

**MINUTES SUMMARY OF THE COMMERCIAL FISHING INDUSTRY VESSEL
SAFETY ADVISORY COMMITTEE (CFIVSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

The 22nd meeting of the Commercial Fishing Industry Vessel Advisory Committee (CFIVAC) was held at the Radisson Hotel in Hampton, Virginia. Representing the Coast Guard were: CDR Joe Servidio, Chief, Office of Compliance (G-MOC) and Executive Director for CFIVAC; Mr. David Beach, Assistant to the Director, Fishing Vessel Safety Division (G-MOC-3); LCDR Jennifer Williams, Fishing Vessel Safety Division (G-MOC-3); and Mr. Kevin Frost, Fishing Vessel Safety Division (G-MOC-3).

The following Committee members were present:

Mr. James Herbert	Ms. Barbara Bragdon
Mr. John Lewis	Ms. Kim Nix
Mr. Gregory Switlik, Sr.	Ms. Leslie Hughes
Ms. Beverly Noll	Ms. Linda Bonet
Ms. Melissa Hertel	Mr. Nick Jenkins
Ms. Auria Vanison	Mr. Bill Shaishnikoff
Ms. Kathy Ruhle	Mr. Jeffrey Weborg
Mr. Timothy Torrance	

The following Committee members were absent:

Mr. John Norsworthy	Mr. David Hamaker
---------------------	-------------------

**MINUTES SUMMARY OF THE COMMERCIAL FISHING INDUSTRY VESSEL
SAFETY ADVISORY COMMITTEE (CFIVSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Table of Contents

<u>Topic</u>	<u>Page</u>
Introduction and Welcome: Chairman James Herbert	3
Introduction: Commander Servidio	3
Further on capabilities	4
Further on competencies	4
General Committee Issues	4
Response to Communication Issue	5
CDR Servidio Presentation Wrapup	6
Approval of Minutes and Resulting Discussion of Future Minutes	6
SNAME Fishing Vessel Committee Update: Mr. John Womack	8
Program Update and Overview by: Mr. Dave Beach	12
Presentation of Casualty Information: Mr. Kevin Frost	16
MISLE System and Innovations Update: Mr. Kevin Frost	19
Homeland Security Presentation: Commander Servidio	21
Comments by Captain Jim Ruhle of Wanchese, North Carolina	23
AMSEA Organization Video Viewing	28
Commercial Fishing Vessel Stability in the 8 th District: Mr. Mike White	30
Discussion of Subcommittee Status	35
Subcommittee Meetings	38
Second day of Commercial Fishing Industry Vessel Advisory Committee Meeting	39
General Agenda Discussion	39
Homeland Security Subcommittee Discussion	39
General Boundary Line Subcommittee Discussion	40
Subcommittee Breakout	42
Public Comments	42
46 CFR Part 28 Subcommittee Presentation	45
Periodic Examination Subcommittee Presentation	48
Boundary Line Subcommittee Presentation	52
General Topic Discussion	54
Closing Comments From Commander Servidio: Mr. Kevin Frost	55
Discussion of Potential Locations for Next CFIVAC Meeting	55
Discussion of Next Slate	57
Final Comments	58
Appendix I SNAME Fishing Vessel	613
Appendix II 8 th District Fishing Vessel Stability & Watertight Integrity	614
Appendix III Proposed 28 CFR Regulation Changes	605
Appendix IV Risk Based Decision Making Tool	619

MINUTES SUMMARY OF THE COMMERCIAL FISHING INDUSTRY VESSEL SAFETY ADVISORY COMMITTEE (CFIVSAC) 22nd MEETING

**August 20-21, 2002
Hampton, Virginia**

Introduction and Welcome by Chairman Herbert

Chairman Herbert brought the meeting to order at 0825, on August 20, 2002. The Committee, Coast Guard, and audience members made introductions. Following committee and attendees introductions, The Chairman indicated that Ms. Kim Nix would be arriving late to the meeting and that Mr. David Hamaker was ill and would be unable to attend the meeting.

The Chairman welcomed CDR Joe Servidio to his new duty as Chief, Office of Compliance (G-MOC). He then addressed administrative issues, such as read-aheads and agenda changes. Most members received the read-ahead documents, though some had difficulty receiving them due to poor/slow email connections. They requested better distribution via other means for subsequent read-ahead materials. There were no agenda changes requested. Finally, he reminded the committee members and the meeting attendees that Captain Jim Ruhle had offered all participants a ride in his fishing vessel that evening for some insight into the fishing industry in Hampton. The ride would be available to all in attendance as there are 52 available personal floatation devices on board. The outing would provide a means for informal discussion groups. No alcohol will be allowed on board the vessel.

The Chairman expressed his gratitude that everyone could make the meeting. The daily effort of the fishing vessel inspectors is greatly appreciated, as recommendations can be made based on their observations.

Introduction by CDR Servidio

CDR Servidio utilized a PowerPoint presentation in order to introduce himself to the meeting attendees. CDR Servidio was previously the COTP of San Juan, Puerto Rico, and the Executive Officer in San Diego, CA. He has also served in New York, NY; Wilmington, NC; Detroit/Ann Arbor, MI; and Training Center Yorktown, VA. He has completed 20 years of service in the Coast Guard as of the summer of 2002. CDR Servidio's addition to the CFIVAC is not the only staff change, CAPT Sarubbi has shifted up to MSO Philadelphia and Rusty Hummer has shifted to duty on acquiring a replacement for the icebreaker MACKINAW. Additionally, Kevin Frost will now act as direct contact for the committee.

According to Admiral Allen, CDR Servidio's District Commander while in San Juan, in order to do something you need three things: Mandates, Capabilities and Competencies. Mandate is the legal authority, capabilities are the people and equipment necessary to carry out and competencies are the training and experiences necessary to enforce the mandate. Frame in that model in order to carry out the committee's mission.

MINUTES SUMMARY OF THE COMMERCIAL FISHING INDUSTRY VESSEL SAFETY ADVISORY COMMITTEE (CFIVSAC) 22nd MEETING

**August 20-21, 2002
Hampton, Virginia**

The impending Legislative Change Proposal (LCP) requiring mandatory dockside examination is just such a mandate. Congress will be acting on the LCP in the fall, though there is currently no prognosis on the possibility of the LCP passing. Dave Beach will give details later. If the LCP passes, the committee has to have alternatives in order to improve impact, capabilities and efficiency of efforts.

Stability and subdivision rules for vessels less than 79 feet were slated as a notice of proposed rule making, however, due to 9/11 that has been put on hold with most other non-security related issues. Regulations dealing with port security have been moved to the forefront while all others are on standby.

Further on capabilities

64 additional Commercial Fishing Vessel Examiner billets will be created if Congress approves the LCP. The LCP has already cleared the Coast Guard and the DOT and will only require some “minor scrubbing.” Overall the LCP is acceptable.

5 Fishing Training Centers (FTCs) have been added recently as well. The FTCs are responsible for training cutter and boarding officers in broad fishing vessel safety matters. Three billets have been filled, with one being filled at Yorktown for a Commercial Fishing Vessel Examiner. Hopefully this will continue to address the need for qualified bodies.

Further on competencies

Yorktown will address training and standardization of Commercial Fishing Vessel Examiners.

District 8-Gulf of Mexico is in the process of developing an aggressive program for increasing the knowledge and enforcement of stability and subdivision rules for vessels greater than 79 feet. They are developing materials and looking to export them to other areas once they have been reviewed and approved so that examiners in other areas can benefit from their work.

General Committee Issues

CDR Servidio would like to increase the communications plan. For instance, distribution of read-ahead materials either via email or snail mail. Due to several factors, including distance from mainland, technology issues and slow connections, some members were unable to access the read-aheads prior to the committee meeting. A combination of mechanisms will be necessary in the future to ensure that proper and timely distribution of materials is achieved.

MINUTES SUMMARY OF THE COMMERCIAL FISHING INDUSTRY VESSEL SAFETY ADVISORY COMMITTEE (CFIVSAC) 22nd MEETING

**August 20-21, 2002
Hampton, Virginia**

Frequency of communication should be increased as well. Possibly through subcommittee work or some other effective mechanism. Meeting two times a year will not have the requisite impact that the committee was created for.

Response to Communication Issue

Switlik: In the first five years of the committee, members received quarterly compilations of situation reports (SitReps). It is important and beneficial to return to this system as it provides an intimate feel for what is happening in the industry with regards to casualties. Otherwise, it is difficult to form solutions for casualties. The average SitRep was sufficient, however, recent SitReps have included pie charts, graphs and other visual aids that do not contribute to overall understanding of the casualties.

SitRep received 8/20/02: 1 person saved off a boat with two EPIRBs, both with active Coast Guard hits. Unusual because a single person vessel generally does not have two EPIRB's.

CDR Servidio: The committee will work to find out who has the SitRep information and it will be sent out immediately.

Switlik: In prior years, each member would get a notebook with every vessel casualty and the report of the incident. Is that possible?

CDR Servidio: Due to staffing changes and data collection system changes, that may not be possible. We need to look at the need and hopefully be able to respond through existing mechanisms. Printing out every SitRep may not be the best way to maximize information distribution. There are other ways that could be more efficient.

Hughes: Agreed, we have requested SitRep compilations for several meetings. A quarterly per district summary would be sufficient. If we as a committee are not aware of what is going on, there is no way to respond.

Weborg: While a SitRep compilation is impressive, time is an issue. A huge detailed summary is very time consuming.

Noll: It seems we are back where we were three meetings ago. Is there a need to resurrect the data subcommittee? What do we want in the picture of the data? We need all factors in order to effectively assimilate the information.

CDR Servidio: Maybe this should be looked at in subcommittees. It is a huge undertaking to printout every SitRep. We would have to send the request down to the area, then to the district, etc. That would involve a great deal of people just to print out

MINUTES SUMMARY OF THE COMMERCIAL FISHING INDUSTRY VESSEL SAFETY ADVISORY COMMITTEE (CFIVSAC) 22nd MEETING

**August 20-21, 2002
Hampton, Virginia**

our SitReps. What is the best way to satisfy this request? Maybe MISLE? The committee should compare needs with what we can provide.

Ruhle: Is the new system online?

CDR Servidio: Yes, Maritime Information System for Law Enforcement (MISLE) is online. It combines the pre-existing marine safety and law enforcement databases, the information has been merged for boardings' and issuance.

Bragdon: Do the ships at sea have access to this system? It has been a problem in the past where Coast Guard has issued double citations.

CDR Servidio: There are presently some communication limitations that should be resolved in the near future so that MISLE information is onboard all Coast Guard vessels.

CDR Servidio Presentation Wrap up

Admiral Pluta submitted a letter to Chairman Herbert expressing his regrets for not being able to attend the meeting.

Each member of the committee was selected due to their background, experience and value to the Coast Guard in both an advisory and recommendation roles. The committee will face a number of challenges in the very near future. If the LCP goes through, who should be targeted for inspections? Where does the Coast Guard assign their resources? If the LCP fails to pass, is the voluntary inspection program that is currently in place sufficient? Are we getting the desired results and is there a positive impact on the industry? Where can changes be made? This is the mission of the committee.

CDR Servidio's email: jservidio@comdt.Coast Guard.mil

Herbert: CDR Servidio is also involved in the homeland security initiative at Coast Guard Headquarters. That role will take a lot of his time.

Fishing Training Centers have been added in Kodiak, AK; New Orleans, LA; Charleston, SC; Boston, MA; and Southern California.

Approval of Minutes and Resulting Discussion of Future Minutes

Chairman Herbert asked for a motion to adopt the minutes from the previous committee meeting. After a round of motions the minutes were adopted. He also asked for any additions or corrections to the February 6th and 7th meeting minutes, indicating that some final polishing would be required before posting.

**MINUTES SUMMARY OF THE COMMERCIAL FISHING INDUSTRY VESSEL
SAFETY ADVISORY COMMITTEE (CFIVSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Hughes: The meeting minutes should be reviewed prior to publishing on the website.

Herbert: That has generally been the case, to get it out for review prior to posting or public release. E-mailing the draft for review is the process, though it hasn't worked as quickly as we had hoped recently.

Hughes: The draft of the last meeting's minutes was already on the website by the time everyone had received the draft.

Herbert: Sometimes we say things differently than what we are thinking. It is important to get a draft on the site as soon as possible to show our efforts and ideas. It can sometimes be 1 year between meetings, to wait a year to post the draft is unacceptable.

Switlik: Does the Coast Guard have a method to measure the number of "hits" on the CFIVAC website?

Frost: They can measure the number of hits, but they cannot determine the origin of the hits (Coast Guard or industry).

Switlik: Is the posting of the minutes effective if there are only three hits?

Herbert: Ltjg. Jerry Butwid is the most involved with the website process, maybe he can help and provide some direction.

Switlik: How many people download the minutes from the Internet once they are posted? (most replied that they did)

Hughes: I do, but I have to use another computer to download.

Herbert: I recommend that the review period for the draft be two weeks once the draft is sent to the committee.

Hertel: I would recommend three weeks. Sometimes we are right in the middle of other work. A little more time would be beneficial.

Herbert: (To scribe/K. Frost) How long will it take until a written copy of the minutes is in K. Frost's hands?

Frost: The contract is currently set to end 1 October 2002. It is possible to draft an acceptable copy of the minutes prior to that.

**MINUTES SUMMARY OF THE COMMERCIAL FISHING INDUSTRY VESSEL
SAFETY ADVISORY COMMITTEE (CFIVSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Herbert: The review period will be three weeks from which Mr. Frost sends out a final or acceptable copy of the minutes. Quick turn around here shows that we are trying to make information available.

Is anyone opposed to the old minutes?

The minutes approved unanimously

Stability Presentation by John Womack

Chairman: John Womack will now give an update on his Stability Presentation:

See Appendix I for presentation

Comments from presentation:

Hughes: Safety management, what is that?

Womack: I can't really comment much on that. I am mostly working in Group B as the chairman. It is better to contact them directly.

Torrance: Does the new manual address icing and its affects on stability?

Womack: Yes, icing, wind on beams, etc. The goal is to get the manual out for review. We are able to add to the manual provided there is input.

Chairman: I applaud your efforts. There are important critical factors in a lot of casualties. To defend a lot of fishermen, you don't need to dumb it down too much; they are some fairly sophisticated people.

Womack: They are, yes. Though it is a very complex subject. It is possible to get lost very easily in this material.

Chairman: One group that generally doesn't have that stability information on vessels is boats less than 50 feet. Insurance companies mandate stability reports and inclining experiments on vessels that are tanked and larger vessels. Smaller vessels are not required to have the same experiments. The generic information could apply to those vessels, yet every boat is unique. It is impractical to expect every one of these vessels to have a Naval Architect do an inclining experiment. Perhaps this should be a target audience.

Womack: Both types of vessels could be targeted. This has been found to be effective for big boats as well. They can't see what I can see.

**MINUTES SUMMARY OF THE COMMERCIAL FISHING INDUSTRY VESSEL
SAFETY ADVISORY COMMITTEE (CFIVSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Chairman: Who will deliver training? Obviously you will, but how do you bridge the gap of technical knowledge with a basic understanding of the information?

Womack: I am not sure how it will map out. We don't even have data for vessels under 79 feet. There are problems trying to extrapolate old data to smaller vessels, so we don't really know how to handle small boats. Hopefully, we will be able to expand to boat shows, fishing expos, fishing councils, etc. Maybe the Coast Guard could be better trained to answer questions.

Chairman: District 17's Sue Jorgenson is organizing a stability workshop in Seattle for Coast Guard personnel in the NW. You should be in touch with her and request that information.

Torrance: Any thought to translating this information into Vietnamese?

Womack: We are trying to get this onto the web for free in many languages.

Torrance: Down in Louisiana, there is a large and very successful Vietnamese community that is building 80-90 foot vessels in the bayous. Stability is not taken into account at all. That segment really needs the education.

Womack: Is there anything that we could add? If so, please contribute.

Bragdon: Should the Captain and the owner take the class and receive a letter? What happens if the Captain or mate leaves the vessel? Do they lose their letter? There are real world problems with this program.

Womack: Of course there are real world problems. This is not necessarily a black and white situation. Everyone on the vessel should take the course. Putting the loading diagrams in the galley can be incredibly successful. Understanding stability goes beyond just receiving a letter.

Ruhle: The stability is for the boat, and not for the Captain, mate or owner.

Womack: Yes, but the owner is ultimately responsible.

Ruhle: Are you aware that some boats have different Captains and mates every trip? That would require a new letter every time.

Womack: There is a different set, you train them differently. The specifics of the letter should be understood by the Captain and mate. All personnel on the vessel should understand overloading in general terms.

**MINUTES SUMMARY OF THE COMMERCIAL FISHING INDUSTRY VESSEL
SAFETY ADVISORY COMMITTEE (CFIVSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Ruhle: Stability is the responsibility of the Captain, though.

Womack: Giving the Captain the letter is not sufficient. A thorough understanding by all aboard is necessary.

Ruhle: If they are successful and have no problems, why bother?

Womack: Four boats in two weeks were lost because they did not follow their letters. Two waves on your deck and you roll over.

Ruhle: The stability of the vessel is not the issue. Those incidents were human error.

Womack: This is the importance of keeping water out of the deckhouse. That is an area of concern.

Ruhle: I understand what you are saying, but why does the letter have to be redone?

Womack: I am not sure how to accomplish this.

Torrance: There is a possible solution. Issue the stability letter to the vessel, plus require that the Captain be licensed like a Master. In order to get the license, you have to understand stability.

Womack: We are not getting involved in that, once you take the course it is generic.

Ruhle: The economics of it come into play as well. What if the Captain quits? You would need to find another Captain with the required letter/knowledge before the vessel can sail.

Womack: I understand that the same applies to offshore vessels. If a Captain quits, you have to replace him. That's a question the industry needs to face. Should a licensed Captain be on board at all times?

Ruhle: This could be incorporated into the Captain's training, though not required for a license.

Womack: Should training be required for the Captain? That is a question we need to answer.

Chairman: The committee recognizes the need for training. A draft plan should be presented at tradeshow, fish expos, etc.

**MINUTES SUMMARY OF THE COMMERCIAL FISHING INDUSTRY VESSEL
SAFETY ADVISORY COMMITTEE (CFIVSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Lewis: I applaud your efforts. Simplifying your model is very valuable. You can find a way to incorporate this into commercial fishing vessels. The more knowledge that goes out, the more your approach will help the industry, once you can find a way to address Mrs. Ruhle's pitfalls. There are many ways to do it that could lead to greater success. Stability should be included in vessel training.

Womack: It is included, right?

Lewis: Good work, when you broke it down the way you did at the last meeting. That was the best way I had ever seen it done.

Noll: Three things are in question here: Is the boat stable and are we training to keep the vessel within its limits? Is the Master capable of operating the vessel within its safe limits? Training is very important here.

Womack: Keep in mind, that there may be vessels that haven't been tested in 45 years. Is there a need to apply new tests?

Chairman: Hertel is the resident naval architect.

Hertel: Visuals look very useful. A lot of the Captains that we work with are licensed. Though I'm not sure if Naval Architect training is used. Typically they say they know the limits of their vessels.

LCDR Williams: Could insurance companies have more influence? It is hard to regulate things like that.

Hertel: That would be wonderful. My experience is that the insurance company gets the letter, stamps it and that's it.

LCDR Williams: Is there another approach? That's why there is an insurance underwriters on the committee.

Hertel: They use to require a letter from the owner stating the Captain understood the stability letter. But that was probably 10 years ago.

LCDR Williams: How does that work? Is there anything for training?

Bonet: Insurance companies still require a stability letter. Most of our boats are owner operated or run by licensed Captains. Another thing, boats under 79 feet or built before 1991 are not required to have incline tests.

**MINUTES SUMMARY OF THE COMMERCIAL FISHING INDUSTRY VESSEL
SAFETY ADVISORY COMMITTEE (CFIVSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Bonet: There is a lot of capacity in the marine insurance industry. St.Paul's, Liberty's, etc. requires certain training and incline tests. Offshore companies that are there to make cash flow underwriting and don't make those requirements.

Womack: The Mid-Atlantic region has seen marked improvement in the last five years. Partly because fishing hasn't gone well and because they understand their boats.

Captain Ruhle: It is totally unfair to include the four clam boats that were lost in the stability data. Two of those were overloaded and two were not. To categorize them together is unfair. Two or three clam baskets would not have mattered.

Womack: True, though they may have added to the risk of the instability of the vessel.

Lewis: This is a difficult issue to deal with due to criteria. You need the Captain and mate to sign off. Having gone through the licensing program, there are a lot of licensed guys who don't have a clear understanding. From a concept of a hands on model and the graphics you put forth. If you are a licensed Captain and have your paper (letter) demonstrate to me that you understand it. Practical experience means a lot, it is those without the experience that can benefit from this program.

Chairman: Thank you for the update.

Program Update and Overview by Mr. Dave Beach

Beach: In the last six months, a lot has happened. I'll provide the highlights. Rusty Hummer moved on, securing a permanent job with the government. He finished the security pamphlets and 16,000 bumper stickers.

Ltjg. Jerry Butwid has completed work on the EPIRB pamphlets and has gotten the 15,000 pamphlets out to coordinators.

Some of the those coordinators are in attendance:

Don Midgett, 9th District Atlantic Area
Mike White, 8th District (will arrive in the afternoon)
Larry Yarborough, 7th District
Bob Garrott, 5th District
Steve Peelish, 9th District

Some work is being done in the 11th District (Alameda). The person currently in the position is temporarily assigned. The individual has been doing a great job and we would like to make her permanent.

**MINUTES SUMMARY OF THE COMMERCIAL FISHING INDUSTRY VESSEL
SAFETY ADVISORY COMMITTEE (CFIVSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Noll: Is that the one that moved into PAC or is it district level?

Beach: No, that is Peggy Murphy.

Jerry Butwid received a promotion to LieutenantJG; he is not the Bull Ensign anymore.

Regarding the issue of tracking citizenship waivers; we have reviewed 100 waivers recently, primarily in the Gulf of Mexico. Rusty helped on compiling this program using Microsoft Access.

Chairman: Who received the waivers and why do they need the waivers?

Beach: The law requires that 75% of the seaman be US citizens. 25% can be non-US citizens provided they meet certain requirements which includes a Coast Guard waiver. There are not enough US citizens to meet the 25% citizenship requirement for vessels. If a vessel has 3 crew and 1 is a resident alien, then that makes it a 33% foreign-crewed vessel. It ties in with the Department of Labor's requirements of having to show that there are not enough US citizens to fill the available jobs.

Chairman: Ethnically, are they Central American, Vietnamese?

LCDR Williams: There is a broad range, but typically in the gulf they are from the Mexican workforce, though there are some Vietnamese, especially during the shrimp season. There are not as much in the northwest and northeast. Also, the waivers do not apply to the Captain or Chief Engineer positions.

Beach: Ltjg. Jerry Butwid has also been busy picking up more equipment. Two more damage control trainers, five EPIRB testers and four more stability trainers. The list is available if any one is interested.

There are two examiner-training classes in Yorktown, VA one in October and one in May.

They will help coordinate the training subject matter due to added billet. They will become the experts who will export their expertise to other districts.

AMSEA has almost finished the fishing vessel safety video. They are presently editing the video. Hopefully we will see something by the end of September.

LCDR Williams: We have a six-minute rough cut of the video.

Beach: We will run the video at the break.

**MINUTES SUMMARY OF THE COMMERCIAL FISHING INDUSTRY VESSEL
SAFETY ADVISORY COMMITTEE (CFIVSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

District Eight has been busy with stability issues. We found issues that need to be fixed. We will be starting a new enforcement period in the fall. We had hoped that Mike White would have been here to provide an update. There has been a great deal of Congressional interest, particularly from the Callahan staff. We are trying to make sure stability requirements and other changes to boats that need to be made, such as sill heights, etc. are included in the draft. We will try and do it around fishing season.

We will hopefully start enforcement in October.

For those in Alaska, the Aleutian trade load line exemptions expire in January. A few inquiries have been made to two districts, though they seem to have a good handle on it.

Hertel: Are the load line requirements for boats built in the last 10 years being enforced?

Midgett: After 15 September 1991.

Hertel: Are all boats supposed to have load line after that? There may be boats that don't meet load line requirement.

Midgett: Mike White/D8 will be here this afternoon to give us a 15-20 minute update on the subject.

Hertel: How many vessels are out there for this, 250?

Midgett: We estimate 600 vessels.

Beach: The biggest alteration in the program is the post 9/11 shifts. I just saw the USA Today article on Coast Guard changes. We will shift to the latest priorities. Homeland Security focus creates a cutback on fieldwork. A lot of the military personnel that were originally assigned to be examiners will be performing other duties. We are trying to keep the whole program going in the interim.

Regarding the civilian size of the Coast Guard workforce. There is a lot of front office discussion. There is enough flexibility in civilian jobs that we can set up a work plan that gives them Homeland Security duties.

When real money and billets show up, those positions will revert back to their original focus. As of now, no one is ready to stand in front of Congress and say we need the money.

In the short-term effort, a lot of things have been pushed up above current programs. When we get new money we can rebalance. The bottom line is that we are not going

**MINUTES SUMMARY OF THE COMMERCIAL FISHING INDUSTRY VESSEL
SAFETY ADVISORY COMMITTEE (CFIVSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

away, maybe an immediate slowdown, but eventually a whole new program should be in place.

Personnel will be doing two jobs instead of one for a while. The Admiral mentioned a new billet for an M Admiral in the marine safety program. That will help balance the load for Admiral Pluta. This will allow him to address his priorities.

Noll: Where is the funding?

Beach: The funding hasn't changed. Resource proposal for more people is still being processed. LCDR Williams has come up with several innovative resource-training funds through the use of reserve funds. There is lots of back support.

Noll: Do you need more?

Beach: Who doesn't?

CDR Servidio: We'll talk more about Homeland Security after the break. Part of the process we are going through and the 2004 requests. The 2004 budget will undergo some scrubbing in the transition.

Switlik: How is the EPIRB tester pamphlet being distributed?

Beach: Through our coordinators.

Switlik: Do they only concern commercial fishing vessels?

LCDR Williams: They are only being distributed to fishing vessel coordinators. But it could apply elsewhere.

Midgett: The Auxiliary folks are handing them out to recreational boaters as well.

Switlik: EPIRB manufacturers would like to have them to send out. I am disappointed that our industry is not in the loop as we have a good working relationship with the Coast Guard.

Midgett: Vessels less than 24 feet don't have EPIRB's.

Switlik: There are lots of EPIRB's all around. ISO group is also developing standards for life rafts on recreational vessels. There is inappropriate EPIRB placement in the standard. It should involve appropriate information and distribution. I am glad that we have this pamphlet, though distribution should be everywhere and funds should be efficiently used. This follows the successful immersion suit pamphlet.

**MINUTES SUMMARY OF THE COMMERCIAL FISHING INDUSTRY VESSEL
SAFETY ADVISORY COMMITTEE (CFIVSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Yarborough: The aforementioned pamphlet was for a program where the user didn't know not to tuck the EPIRB into the suit or hold it in warm hands, etc. It is not that the Coast Guard doesn't want to distribute the pamphlet; rather it was distributed according to the organization that identified the problem.

This is an interim measure. Hopefully, faster and better communication to all sectors is forthcoming. It should blossom throughout in the future.

Switlik: It is a nice piece, very helpful. I would like a broader impact. We've discussed what our needs are.

LCDR Williams: You may plagiarize it and send to all coordinators.

Noll: It is so broad based; we sometimes don't get anything done. Sometimes it is cumbersome to apply across all groups.

Switlik: Sometimes what is recreational and what is commercial is blurred. As well as where the impacts will lie is confusing.

BREAK AT 1000 Hours

RECONVENE AT 1032 Hours

Chairman: Kim joined us during the break. Kevin to present casualty information.

Presentation of Casualty Information by Mr. Kevin Frost

Frost: Casualty updates maintained by Ltjg. Jerry Butwid.

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Number of casualties by the month:

	<i>March</i>	<i>April</i>	<i>May</i>	<i>June</i>	<i>July</i>	<i>August</i>
Groundings	3	3	4		1	2
Sinkings	3	2	4	5	2	-
Overboard	1	1	1	2	1	-
Collisions	-	1	-	2	-	2
Fires	-	-	-	2	2	2
Other	-	-	1 damage due to rough weather	1 caught in winch	1 capsized	-
Deaths	6	1	5	4	3	0

That is a quick synopsis on where we are since last week.

Dave Dickey is here with casualty data analysis. Mandatory exam information and casualty statistics will be presented this afternoon.

Torrance: You list three deaths in March, though there were five deaths in Mobile, AL that month.

Frost: That is just information that we have culled out of Jerry's data. Hopefully those additional fatalities are in MISLE, but right now we are working with what fishing vessel examiners called into the office about. There was a problem getting this info due to various databases. There will be information that is not captured due to the exchange.

Torrance: I faxed SitReps to Ltjg. Butwid. They said it wasn't a commercial vessel, rather a recreational vessel participating in shark derby fishing. I am against derby fishing due to incidents like this occurring in bad weather. It is questionable whether this is recreational or not.

Frost: This data may be sent via e-mail, although I couldn't get it out earlier.

Chairman: Year to date, how many fatalities were there and how many vessels were lost?

Frost: Nineteen deaths. I am not sure about the number of vessels lost. I will get that data out later.

Vanison: How soon after an incident occurs is the information entered into the system?

Frost: It depends on who does the work. If it is investigated within 1 week. It may be three-four months until the complete report is in the database and the case is closed.

CDR Servidio: Maybe we need to look at criteria for what is a fishing vessel and what is not a fishing vessel. Do we know how many fishing vessels are out there? Statistics will tell different things, depending

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

on classification. What about funding sources for collecting data? Maybe we need to think/look outside the box.

Noll: We keep shelving this issue and then readdressing it.

Switlik: I have the excel spreadsheets from '94-'99. We need to fill in the gap so that we can compare.

CDR Servidio: Criteria is very crucial to understanding the data, otherwise it is hard to relate.

Noll: Is our position the driving force of determining the committee's purpose? What do we do with information? What is our purpose?

Hertel: We don't know what leads to the statistic of capsizing. Was it stability? Was it human error or something else?

Torrance: What criteria do you use to establish if it is a fishing vessel? Should they be documented? In Alabama they have state numbers or Coast Guard issued documents.

Noll: That is certainly part of the criteria. We have explored this several times. Two meetings ago we decided that we didn't need a data committee. Do we now? Who was on that committee?

Hertel: Green gave me the notes. There were some decisions made. Quite a few faxes were sent.

Lewis: I was on that committee. The questions asked were, what do we compile and what are we going to do with the information? No clear direction was set, that's why it was disbanded.

Noll: Does the direction of the committee come from the Coast Guard or from the committee itself? Would you be in agreement that the committee should be resurrected?

Lewis: With clear direction, yes. But it was hard for me because there was no clear direction. Our position direction should come from the industry, then provide the information to the Coast Guard. How they use our decisions or information is up to them, but the committee should be self-driven.

Switlik: Information should be sorted by trends/datasets. We have done very little to decrease the number of deaths due to man overboard. We need to look at the mechanics of the problem for the solution.

Is there a better instructional tool we could develop to prevent man overboards?

This seems to be the most preventable. There are lobster boat issues, information culled from data but never used to solve a problem. We could make a dent in the deaths.

We have to settle trend data and see what the results of investigations indicate. Hopefully, the investigations indicate more than man overboard.

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Chairman: Good, next item. The success and progress of the MISLE system. How to gather further information? When MISLE was being developed, we were asked what fields are necessary and should be added. I don't know where we are at right now.

MISLE System and Innovations Update by Mr. Frost

Frost: MISLE is online. Operations and marine safety sides are using it. There will be a GIS mapping component incorporated into the system. The MARS project is an analysis reporting system that will allow us to acquire this kind of data. It is just online and constantly being updated. It will be available for examiners. I am working on a MISLE user guide to explain how to enter information, etc. MISLE is getting favorable reviews and it seems to be quicker to use than the old system. There is also an in-house process to make changes to MISLE if necessary.

Ruhle: Before we get too far ahead, the list of commercial casualties is generally significant. Only Nineteen deaths is a great year, something is going right. Alaska is having a particularly good year.

Weborg: This is a risk intensive industry, we will never completely eliminate all deaths.

Frost: The subcommittee for periodic exams has done a lot of casualty analysis in the last four to five months. Dave is here and will show some of the trends.

Lewis: The data reflects the lack of effort for Bristol Bay? There are less casualties, this may be because nationwide regulations have fallen into place. Any indication that less casualties are due to less effort?

Noll: That is part of the criteria we should look at. Weather, training, stocks, etc. These factor into the results.

Midgett: It has been a very mild winter.

Chairman: Admiral Pluta met with Bill Hogarth from NFMS. He applauded the effort between management and the Coast Guard. We need feedback between various management councils.

Frost: One last thing, the Coast Guard Innovation Council has taken up a new project, namely the PDA project for MISLE. I am assigned to the Office of Compliance and am the Marine Safety representative to this project. There is \$1.8 million in funding to purchase 500 iPaq PDAs from Compaq. We are developing three programs with wide ranging applications to be given to boarding officers (at sea and dockside). They will be beta-tested in September for two or three weeks. At sea officers have the 4100 boarding form, and we also have a dockside program, and the C-130s in Alaska have the sighting applications for fisheries sightings. Hopefully these programs will give the CG increased data consistency and efficiency. It will also eliminate filling out forms, instead just plug it into the CPU docking station and upload into MISLE. There will then be an exception report so any alterations can be made. It will allow us to go wireless in a couple of years. We will enter the Official Number in the PDA, and then download the vessels history on scene. At

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

sea boardings have satellite communications for a real time link. This will hopefully prevent some of the double boardings that do occur.

The potential for Port State Control, tank vessel examinations, and homeland security applicability exists. This will provide for a big leap in technology.

Chairman: These products come out of our efforts. LCDR Williams has been working with AMSEA and has produced a pamphlet entitled, "7 ways to get hurt or killed while commercial fishing in Alaska." It has ideas from fishermen on how to prevent accidents. I have a draft that we can copy. It really focuses on the nonfatal incidents like slips and falls, cuts, etc.

Melissa's company is involved with crab boats, deck safety guidelines and NIOSH. We are looking at ways to reduce injuries. Simple things like PFD's that cushion ribs when people are thrown around on deck. There are other products out there. We need to get these on the web for distribution instead of sitting here.

LCDR Williams: The AMSEA video and brochures were earmarked from Congress to do technical work. There will be another for next year. I am the contracting officer; so let me know if you have ideas. Senator Stephens wants another \$350,000 for next year as well. There will be more money for Alaska that the Coast Guard can use and distribute as it sees fit.

Chairman: Let me elaborate. Senator Stephens gave \$350,000 to AMSEA, a training organization in Alaska, for vessel safety. They created a video to increase training safety. It is difficult for the Coast Guard because the Senator demanded the \$350,000 be directed to that organization from the Coast Guard budget. It created some in house aggravation, though. LCDR Williams and staff found a mechanism to get that money. The Senator is the head of appropriations, that's why this happened. The work done here is applicable to all areas, not just Alaska. This will assist across the board, for instance, Gilbert doesn't have a good infrastructure for training in his area. This is an area that the money could potentially be used for. We need help fostering similar programs.

Questions? We will hopefully get a copy of casualty updates.

Jenkins: Is it possible to adjust MISLE? Such as changing fishing gear type? In the Northeast, due to regulations, a lot of fishermen are switching fisheries throughout the year.

Frost: Yes, maybe not owner or documentation, but other fields

Jenkins: Will this be integrated with NMFS regulations? At-sea boarding officers are responsible for those regulations as well.

Frost: No, we have no direction from NMFS.

Jenkins: If a lot of regulations are coming up quickly, this may be a good mechanism for getting the boarding officers up to speed.

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Frost: Yes, we could use the PDA technology to piggyback it on.

Chairman: Maybe include for the Admiral to mention this to Hogarth.

Noll: Another question, if you are expecting a September start, will we be able to get information that is it out there so we can check in our areas for consistency?

Frost: Every other week I can provide status briefs via e-mail.

Chairman: Thank you.

CDR Servidio: Allow me to provide a quick update on where we stand with Homeland Security:

Homeland Security Presentation by CDR Servidio

Chairman: It was mentioned in the minutes that there would be some formalization of that in the federal register (gross tonnage applicability). In the future, will it include fishing vessels?

CDR Servidio: There was talk about bringing the threshold down. The final rule capped it at 300 gross tons. It might be less eventually, but not now.

Jenkins: Question about VTS, will it trickle down to fishing fleets, or is it more for offshore?

CDR Servidio: We are looking at various technologies. Miami is using a system between radar and infra red imaging on vessels inbound. Are we looking to expand? We currently have budget constraints and prioritization. Maritime Domain Awareness is a strategic objective. We are driving that way.

Bragdon: In the Northeast some fishery plans require VTS, where other areas require totally different systems. It would be nice to not have to fund another system. We should incorporate them.

CDR Servidio: We don't want to form a system incompatible with the rest of the world. We are looking to develop an international standard that is compatible. We aren't driving that train, but I do know that it is a concern right now to try to have something applicable.

Torrance: Is the required 300 gross ton 96-hour advance notice for foreign vessels only?

CDR Servidio: No, that's US and foreign vessels.

Torrance: Any exemption for oil field supply vessels? They aren't even gone 96 hours and go more than 200 nautical miles offshore.

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Garrott: Part of the vessel-tracking group, they take that into consideration, they look at individual vessels and determine priorities.

Torrance: We have a lot of Master's and mates, I wonder if we should bring it to their attention.

CDR Servidio: There are some international voyages that have different requirements and exemptions.

Garrott: We don't want to get the word out there that certain vessels are exempt. We may say that these folks are ok at the 15-mile mark, but they don't know until they are past the 15-mile mark.

CDR Servidio: It depends on the COTP. There could be more stringent requirements depending on other authorities and restrictions for additional requirements.

Lewis: I question the 300 gross ton threshold. There is no formula other than what you write in the documentation for determining the gross tonnage of a vessel. You could put what you want in there. This is a major loophole.

Garrott: MISLE is referred to when boarded.

Lewis: The issue is that the data that is initially entered into the database could be incorrect. That is a flaw in the system, clearly a loophole.

CDR Servidio: I will bring that up with the MISLE people.

Frost: We are aware of the different tonnage standards. There are ways for us to verify information. Though we do recognize it is an issue.

Lewis: That is a silly application; I think it is a huge loophole that needs to be addressed.

Weborg: The Canadian border is not very well patrolled. It is largely ignored. The Coast Guard should be aware of it. High-speed boats could make the crossing before the Coast Guard is even aware of a situation. Homeland Security should address this issue immediately.

CDR Servidio: That is a good point. One thing we are looking at is anomaly detection as a strong point. Local agencies recognize different situations, and then coordinate solutions for potential risks. Fishermen are some of the best resources in the field that we have. They recognized vessels or crew that don't really belong or are out of place.

Any questions?

Chairman: We need to preserve the core mission.

Captain Ruhle to have the floor.

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Comments by Captain Jim Ruhle of Wanchese, North Carolina

Captain Ruhle: I'd like to give an overview of the Mid-Atlantic fishery. First, I would like to thank Don Midgett. He has volunteered me for two things, if he had tried for three I would have said no. He has done more for commercial fishing safety in this area than anyone else. He actually inspected my vessel the first time. We didn't get it on the first or second time, but the third time we got our decal.

This is not my line of work, but I want to point out that the committee should utilize their potential.

I have two handouts for the audience.

There are some abilities that this committee can utilize that have never been touched upon. Hopefully we can get to that point. I will take approximately 30 minutes. We are going to do this my way, even though it is somewhat unorthodox. If you disagree, make a note, if I offend you, there is the door. I'll try not to refer to the ridiculous cost of packing life rafts. I have three or four topics that I will try to take back to 1 main point. I am not the type to nail it down in the first 15 minutes, as I said this is not my line of work.

I am a third generation commercial fisherman with one vessel here in Hampton. I have two sons that help out, 1 full time, the other part time.

I have been a member of the Mid-Atlantic Fishery Management Council since 1979. I have served in an advisory capacity for 15 years and this is my fourth year as North Carolina's voting member. Management has been a big part of my life.

In the Mid-Atlantic fishery there is a broad spectrum, there are lots of different types of gear and species. The vessels don't compare to Alaska, though. There are limits on gear, vessels limited to 750 gross tons and 160 feet. This prevents the west coast boats from coming east and getting into our market.

I don't think that the Coast Guard representatives at Council meetings are very familiar with fisheries management now. This dawned on me about a year ago. I'm not saying they ignore it; rather they are just not as familiar with safety. They would rather make it easier for law enforcement.

The Coast Guard mindset does not work. There has been some discussion on a voting Coast Guard member on the councils. I am opposed to this, as they don't have the expertise.

The designated member is usually an Admiral or Vice Admiral, they don't usually attend, instead a LCDR attends. They are not policy makers. There should be civilians attending so they can voice safety concerns, not as a voting member, though.

Mid-Atlantic fishery overview. There is a very broad range of species. Hampton Roads ranks seventh in value for 2001 and 2002. In dollars Hampton Roads came in 29th. Wanchese, NC came in 29th in terms of millions of pounds, 28th in dollar value. Reidsville, VA ranks second in terms of poundage due to the

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

menhaden catch that is used for oil and fishmeal. Sea scallops are a very important fishery, and a main issue here in the area.

There are four major ports in the area. Newport News, Norfolk and Portsmouth, Reidsville and Seaford. In Seaford, two companies actually share the same sea scallop facility. Norfolk and Portsmouth is where the fishing used to be in the 20's and 30's.

The species are wide-ranging. Migrations are based on weather patterns. We are at the ends of the northern and southern migrations. The mild winters have not been good for us, as the migrations have stopped north and south of us. We have been able to fill in with other species though, particularly the mackerel and herring stocks off Hatteras and the Atlantic Croakers.

There are also various vessel types in the area. Bay boats for hard clams and hard crabs. There are a lot of 35-40 foot gill net boats. Some are not built for what they are forced to do now. Some have switched to general category scallops with open access. They are not suited for the conditions 30-40 miles offshore. There have been no problems yet because the Captains know the limits of their vessels, though there are some management issues that the committee could address.

There are open fisheries here year round, fishermen switch species based on availability. North Carolina is the champion of quota in time periods. Fishery will be open for 10 days and 10,000 pounds, they will then change the opening after analyzing the haul. This allows the product to be spread out over time in the market and prevents dumping. It makes the haul more equitable. Halibut is the perfect example of industry reclaiming marketplace. The flounder fishery here has been reestablished as well, from a 9. 5-day season in 1996 to an eight-month season now.

Fishery management is a world of its own. All the people here are commercial fishing representatives. You know what is going on. Every responsible commercial fisherman is a conservationist and environmentalist, but they are not extremists. There are well-funded groups out there that have made issues out of what we consider to be our livelihood. Lots of the management decisions are being made in court. Unfortunately, Congress passed the SFA act, these groups already had the gun, and Congress gave them the bullet.

There are some extremely difficult decisions that are being made in court by judges who are poor decision makers. As bad as we are as managers, they are worse as decision makers. They don't have a clue, basing decisions on papers. It is an extremely difficult issue to deal with due to the overwhelming support they have.

One reason to litigate is its newsworthy; the next is we're trying to build a political consistency for a healthy ocean. They want a healthy ocean, what is a healthy ocean? All the fish swimming together? Or is it trying to provide 93% of the country without access to the fishery with product? To me, that's the goal. Yet, if it goes to the wrong judge, how do you do it? Fortunately the commercial fishing industry will go to court if they have exhausted every other option. The scallop business is a great example, they went by the projections, but we knew what was out there and we went to court and won. You can either do it right, or just do it. To do it right, you have a great deal of work to do.

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Councilmen should prep prior to all meetings, and consider all the resources. The paperwork reduction act and fishery management should never be spoken in the same sentence. If you aren't involved in it, you are going to miss something. That's my advantage; I have to live with the decisions. I will never hesitate to use what I consider as the best available information and I don't hesitate to use it if I have to. There is only one other member on the committee that actively participates in fishing. Things change very quickly; it is not a tendency of the agencies to go along with that.

It is the luck of the draw, new ASMFC executive director Vince O'Shea is very familiar with the Coast Guard and I am on a first name basis with Dr. Bill Hogarth of NMFS. That is as good a man as we could possibly have in that position. Unfortunately, it is the lawyers in Silver Springs, MD that are in charge of NMFS, not Dr. Hogarth. Fisheries management is not as freewheeling as it should be. There are some success stories, though. The Mid-Atlantic council is the largest voting council out of the eight. There are twenty-one voting members representative of seven states. It is the biggest council on the east coast, ranging from New York to North Carolina. There are overlapping or joint plans with New England and the South.

The role of this committee should be safety issues that pertain to management measures. Back in Seattle in 96 or 97, there was still derby fishing on halibut, red crab and several others. If you can postpone ball games, you can certainly postpone derby fishing because of weather. Since then, they have done it. They should postpone fisheries due to weather, that would be a step in the right direction. Also, putting the halibut on IFQ has taken a tremendous amount of the dangers out. You'll never eliminate all of them, though you can eliminate some, and they are very regional. That's where this committee can get active. I think you can do it without the Coast Guard; you are an advisory group to the Coast Guard. You are there to give them your best input, review what they send you then make your comments on it. When you have a management measure, it is not new to the committee to hear that, but we've never been able to get the committee itself to react to it the way that we want it to. It's just because of the difference between M and O. They just don't work well together in some instances.

I'm going to give you two examples of fisheries with plans that we are working on right now. I am chairman of the Monkfish committee and vice chairman on the squid, mackerel and butterfish committee. Monkfish is a day at sea fishery, and that is the issue. They are very small boats, with trip limits set at 1,000 pounds of whole fish a day. You are allocated 40 days a year, which actually turns into 56 days a year due to hours used at the fishery. That is fine when you have 200 plus days a year, but since we are on the southern end of the migration and they are only in our area for 30-40 days a year. It is a very valuable fish, about a dollar a pound. But if you are limiting them to 1,000 pounds a day, you are forcing those guys to go out of the inlet. Oregon Inlet is very dangerous, no jetties, constantly shifting. I was grounded there in 1983 and I haven't been back since. Chincoteague, VA is the other large port on the east coast. The same situation exists there. My suggestion is, why don't we limit it at 7,000 pounds in seven days. Then you can pick the weather you want to fish in, you won't increase the landings of pounds. This is what you hear from law enforcement, you can't enforce it, and that is no way to hide behind an issue. Don't tell me you can't enforce it. You give the fishermen that opportunity, they will call the local agency, if they can't send

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

anyone down to verify, they can come by the next day. This is a safety issue and it not being represented the way it should be.

The next one is the upgrade policy; you are only allowed a 10% increase in the size of the boat, and 20% for the horsepower. That doesn't affect some fisheries like trip limits if you are fishing pots. It does not benefit them, yet they are forced to fish further and further off shore. It's a safety issue, and has nothing to do with allocations. Taking a certain group that is randomly picked and all of the impacts of the management plan are coming down on them. What I would like this committee to do if you ever see an issue like this is to contact your representative and say that it is a safety issue. Distribute it among the committee, draft a letter, and get the Coast Guard to endorse it. You don't have to have a cure for it, just make an issue of it. This could be very regional. This is a well-rounded group, you've never done this, and if you've tried, it has slipped over to the side. This group has done a good job, but the last two or three years, the committee has become stagnant. Most likely because of 9/11, and its no fault of anyone, but there is room for improvement and this is one avenue you can take and have an impact. The fisheries management is not providing enough input on safety. We just had a council meeting two weeks ago and there was no Coast Guard representation, though it was the first he has missed. Granted the designated representative couldn't make it, but they should have pulled someone out of Philadelphia and had them attend.

Safety is very important; we are an independent arrogant bunch that refuses regulations. My father was a day fisherman out of Long Island who migrated with the fish; I went with him and stayed in North Carolina after I pulled in the best catch of my life. Fisheries management left us a free range, we were the buffalo hunters. It's very hard for me to adjust, but the new ones shouldn't have a problem. We have lost the flexibility. One of the big flaws in fishery management, as the depleted stocks are being rebuilt, the infrastructure was ignored. For example in New England, a lot of hand cutting was used, and they were put out of work, the uniqueness of that skill makes replacing it difficult. If we are to reinstitute that fishery, it needs to be gradual so that we can replace those positions. Everything is imports now, one out of twenty boxes in the fish house is domestically caught. If that is the road that everyone wants to take, then let us know now, so we can exit gracefully. We are dying a death of 1000 cuts. The management and subsequent loss of infrastructure is a result. It's best to deal with management as you could, but it has to be challenged.

These comments are strictly mine. The fisheries management plans that are in place now, as far as commercial fishermen are concerned, lawsuits are the last resort, they are expensive and have great risks. But surf clam, summer flounder and scallop proved us right. But, the industry had to go to court through its own funding to prove their point. These lawsuits that are imposing on management plans are feel good measures, they don't have to do it, they are doing it because it is newsworthy, they get their fees reimbursed. It is proven that our stock assessments are correct. This committee ought to be thankful for what happened in the scallop industry. There was a tremendous amount of scallop boats five to eight years ago that were in terrible shape. They couldn't make it on what was allowed and the forecast was so bad no one would dare spend any money on maintenance. Since the court challenge three years ago, the production has been excellent and the boats are in great shape. The entire fleet is in as good shape as possible. That is a safety issue, but how do you categorize it?

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Had it not been for the challenge to NMFS, you wouldn't be here. You are still challenging NMFS. The Coast Guard needs to be aware that we are still fighting for our lives. There are many more overriding problems.

We are challenging some of these lawsuits with NMFS. Certain judges don't like it. The biggest concern is that this committee needs to work with fisheries management plans. The committee needs to work on a method to have correspondence with each other. I'm not sure what endorsement the committee could give, but it could be on CFIVAC letterhead, and as individuals or as a group, you could have a great impact. You should be able to get the Coast Guard to assist if you could prove it was a safety issue.

Captain Landry up in New England is doing a great job. They used to have a trip limit of 5,000 lbs a day, 10 days 50,000 lbs. They couldn't come into the harbor until the 10-day period was over, regardless of weather. That is totally ludicrous and most of those situations have been resolved. Sometimes it requires political influence, but the committee missed an opportunity with those situations.

Chairman: Thank you Captain, I know most of use aren't as involved in the management councils as you are. We have received an unexpected education here.

Bragdon: He is certainly right, I am on a scallop advisory committee on and off since 1988, and right now I am having an issue that I was going to bring up, I was going to write a letter to the Coast Guard, but I will bring it up now.

They are starting a new amendment for the scallop plan. Being an advisor, I want to get this into the new amendment. When bad weather comes up, let us go home and don't take away our days at sea. We have closed areas, and once you cross the closed area lines, you can lose your ten days even if you are only there for two or three days. We had a hurricane a few years ago, back when scallop fishing wasn't as good. My husband had crossed the line, and I had to beg my husband to come home. We were hurting for money, so it was difficult. It is a very important issue to me to have the boats be able to get their days at sea back, happens for medical evacuations too when the boats have to come out of the closed areas. There are petitions to get your days back. I would like to have some backing for this draft. I talk about scallop fishing because that is what I know about. The fishery has recovered and now the New England council doesn't know what to do with us. We are still under days at sea and we go out there and the guys are out there working to hard next to the derby fisherman, nine hours sleep in two days is just crazy. I am getting to the point where I am supporting quotas to cover that. There are lots of issues that could use some backing. As a scallop advisor, I would like a little backing from others.

Torrance: I would like to compliment Captain Ruhle on his excellent presentation and enlightening us on the role we can take on the fisheries management field with trying to exert some influence on these councils. From 20 years of experience, I know where he is coming from. At this time, there is not one commercial fisherman on the Gulf Council, it is dominated by sport fishing interests. I think he has really given us an opportunity to address these actions to address these safety issues. I would also like to mention that I think we are facing a real problem in the Gulf of Mexico as far as safety goes with fishing vessels. This year has been a disaster for the shrimp industry due to imports, bad season and poor landings caused by

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

environmental conditions. The white shrimp season just opened yesterday in Louisiana, the Sunday before it opened, it was \$1.20 a pound and the season had not even opened yet. These people are on the verge of financial collapse. They are on the verge of bankruptcy. It is a problem that everyone needs to be aware of. People with smaller boats are venturing out of the bays where they usually fish when the season is closed. The boats don't have watertight self-bailing decks. They are going 10-15 miles offshore in them. It is creating a potential disaster.

Chairman: Thank you

Weborg: We appreciate your comments Captain Ruhle. We have come up with a few ways to help out law enforcement. We can't deal with economics; rather we need to concentrate on safety.

Chairman: A round of applause for Captain Ruhle. The photo album is available. Let's break for lunch and reconvene at 1330 hours.

BREAK FOR LUNCH

RECONVENE AT 1355 HOURS

Chairman: This is the first rough-cut six minutes of the drills video that the AMSEA organization is making for the Coast Guard. Any suggestions you have will be relayed back. Jerry Dugan said he would try to have a draft for LCDR Williams to look at before they get the final. I would like for it to be as applicable as possible for all coasts.

AMSEA Organization Video Viewing

Noll: The sound went down really low at the end of the Captain's remarks. It sounded like that may have been the most important thing he said. Maybe a little more authority

Chairman: What about the aqua lettering? Didn't bother anyone? What about the young girl having trouble with the gaff/hook. I heard some of you laughing. Is that good or bad, is that sexual stereotyping?

Chairman: I was taken to task once saying that I was stereotyping women as having problems on boats. I know what Jerry was trying to do here, the Buster Keaton spot was trying to be comic.

Noll: It is too long, a little blip would work. It started to get silly.

Chairman: Anyone else?

Hughes: I would change the music. I know from my own experience, we actually produce our own. Though it might not be the best use of time.

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Hertel: That is actually a really good point, you can watch a movie and in ten years the music strikes you the most.

Shaishnikoff: You need time to get into the immersion suits. You can use plastic bags for your feet and they will shoot straight into the suit.

Chairman: The emphasis is supposed to be on drills and orientation. There is a separate immersion suit video that they have produced. Gilbert submitted a few shots of boats in the gulf, so there will be a few of those.

Noll: There needs to be a little more “enthusiasm” in the voice. She needs more authority.

Chairman: Hank Pennington might do some of the voice-overs.

Switlik: He only does cooking shows.

CDR Servidio: I think it is good. There are experts who would say this is the best background, and best lettering type.

Chairman: The woman who was hired to do this is a documentary film person.

LCDR Williams: We didn’t have a good budget to start with, a lot was spent on training the fishermen. \$10,000 total.

CDR Servidio: My opinion is not the most important. The target audience are the ones that are going to see it and associate with it.

Hertel: I thought the shot of the person pulling the clip of the life raft was good. You want to show that even though you may have done it a million times doesn’t mean it is totally obvious to everyone. It could be the angle, or the wrong amount of pull.

Pickard: What is the objective of the film? That drills are important?

Chairman: Well, emphasize that drills are important, but also give people the guidelines for how to do it. That has always been a key objective of the committee is to educate. Some might say they can’t do the play-acting, but if they get into the habit of practicing with their crews and equipment they will respond better. Give them a road map.

Pickard: Any testimonials? The 1980 one was ok, but a little dated.

Chairman: There was one with that gentleman whose boat went out from under him. There are a few.

LCDR Williams. Three are on there.

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Noll: I am picking up that they are trying to show you that in your drills you need to handle the actual equipment that you will deal with in a real emergency.

Chairman: With some of this stuff, there is a certain point where you see it and you can't see any more errors. They wanted a fresh set of eyes. If you have any more comments, let me know.

One other thing from this morning's agenda. Mike White from the 8th District will present on Commercial Fishing Vessel Stability.

Commercial Fishing Vessel Stability in the 8th District Presentation by Mike White

White: I am the commercial fishing vessel coordinator for the 8th District down in the Gulf of Mexico. My AOR encompasses Texas, Louisiana, Mississippi, Alabama and Florida.

See Appendix III for Presentation

LCDR Williams: Surveyors should be able to refer to sister ship ability in order to reduce cost. It is the owner's responsibility. They could split the \$9,000 ten ways if they have ten vessels. (Discussing cost of stability test)

White: They are building in compliance now. Hopefully they will provide the sister information. There are nineteen shipyards producing the same boat, they are all similar.

LCDR Williams: Is there any way to contact the other vessels to distribute information?

White: The shipyard isn't even mentioned in the regulation. The regulation states that it is the owner's responsibility to ensure compliance. When the problem came to light, they initially complained. It wasn't a month or a month and a half before their representation stopped calling. The constituents asked them to stop complaining about it.

LCDR Williams: Is there any way to get shipyards to help out? Give information about boats out there that aren't in compliance?

White: They are now, they are building in compliance. They don't keep those kinds of records.

Captain Ruhle: What if it is a non-opening porthole, covered by tempered safety glass and doesn't open. Then they don't have to check it.

White: The requirement is for a covering over the glass, doesn't matter if it is an opening or non-opening porthole. Lexan is unacceptable Coast Guard-wide regardless of inspected or non-inspected.

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Captain Ruhle: The ABS says tempered safety glass is ok for non-opening portholes; it's usually not an issue.

White: The port light cover that is described does not talk about opening at all.

Hertel: I think it has to do with position, too.

White: That is the port light cover.

Captain Ruhle: But if it is a non-opening port, it might be a little over-zealous in your enforcement.

White: The regulations state that if it is a fish hole, or something like that with constant supervision it can be left open. When not under supervision you have to have it secured

Weborg: Are these the vessels that are experiencing financial difficulty?

Torrance: Well, most of the ones suffering right now are less than 79 feet. These are not the ones who will be going out of business this year.

White: These are the ones that are over 79 feet. and cost \$750,000 with \$20,000 a month mortgage payments. These are the ones that might benefit from everyone else going out of business. They'll be the only ones shrimping.

Chairman: Can we get into another slide before more debate?

Bragdon: What is the difference between watertight and weathertight?

Hertel: Watertight means it passes hose test on both side, weathertight is only for one side. In down flooding both are acceptable, but you would much rather have watertight.

Hughes: These regulations are calling for watertight, right?

White: Your average stability instructions say to close and dog down all openings during all conditions. When vessels do that, it is not an issue.

Bragdon: You had a grandfather clause in the regulation for stability letter, is that still there?

White: This only applies to vessels built after 15 September 1991. That was a question the Congressman asked, we should at least be able to grandfather vessels.

Chairman: Would you imagine that the stability characteristics of many of the 300 boats that are not in compliance because they have not had stability test, that they are not going to meet the standards in the regulations?

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

White: No, I think they will.

Chairman: And if they didn't, they could be ballasted out.

White: I think they could have a lawsuit against the shipyard.

Chairman: Melissa?

Hertel: I don't know much about the gulf shrimper style, but generally passing the stability requirement has a lot to do with how much buoyant volume you have above deck and those don't look to me like they have much buoyant volume above the deck, so I would be a little concerned that some might not meet the requirements. On the other hand, if they ice the hold that would give them some weight down low, so maybe that would give them enough "jam" to bring the curve up so they do pass. Hard to say for sure.

White: We haven't heard of any of the new constructions not meeting the requirements. They haven't changed the way they make them for years. Some don't have blueprints.

Hertel: What often happens is that they keep making them bigger and bigger so you end up with more gear than the ship can hold.

Ruhle: Regarding the regulations for the shrimping industry, how much gear does it hold them to?

White: It's just the deck limits, the size of the vessel is not getting larger. It is the standard in the industry and they found their size and they like it.

Ruhle: The gear that they use isn't much.

Hertel: Trawling it is, they want bigger winches, gears, nets.

Torrance: In Louisiana, most are built in the bayou, not in shipyards.

White: Most are not 79 feet.

Torrance: Quite a few of them are.

White: Many are 78 feet.

Nix: In the last five years they are built in yards for \$750,000. But before that, they were built in the backyard. Big boats. The regulations don't say I can't do that.

White: But those boats are probably registered. I'm not going after them to penalize anyone, just get them in compliance.

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Chairman: The important point, there are new constructions all around the coast, maybe not as many as in the gulf. But it is something for the districts to look at.

Garrott: The area is looking at it right now, we are going to use the template.

White: Again, we are not trying to make stability as an issue on a vessel. We are not trying to stop them from fishing, just get them in compliance.

Lewis: In reference to the watertight door situation, there is a company in Mississippi that makes steel fast acting watertight doors for \$1000.

White: Name of company?

Lewis: I can get it for you.

Noll: The 24 inches seems a little overwhelming. For stability, I can understand it, but injury wise they are astronomical. You have to step up and set down instead of flat deck.

White: I've been doing it all my life and don't even notice it. I've got a picture of a vessel with a 13 inch coming. We are just trying to prevent water from flowing into the engine room and flood the engine room.

Noll: I understand all that, you are interested in is stability. I am interested in injury.

Hertel: All load line boats have to have that. You just get used to it. You can have a grab rail there. You don't see a number of injuries on load line boats.

Noll: On load lines you are stepping up and down, I am worried about slips, trips and falls.

Weborg: You say there are 24-inch quick acting watertight doors available?

White: Yes.

Ruhle: How many doors are required to have that?

White: Any door on the main deck.

Ruhle: If there is enough water on deck, it doesn't matter how high that coaming is.

White: Then you shut the door.

Pickard: Are there any examples of substantial alterations? Per the "any boat built after 15 September 1991 or substantially altered."

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

White: They aren't using that as a guideline.

LCDR Williams: Insurance companies, do you get information on vessels that could be considered substantial alterations?

Vanison: There is an application form that asks if the vessel has been modified. If the answer is yes, it goes in the information.

LCDR Williams: Anyway, the insurance company will have information for the Coast Guard.

Bonet: The survey becomes the property of the owner.

Vanison: We help out in disseminating information.

White: It falls back to the owner to get the information out. The only reason we would be looking is if there was a problem with the vessel.

Bonet: There are surveys every three years unless there is a major alteration.

LCDR Williams: That's what we're looking for, major alterations that would affect stability and subsequently change the stability letter.

White: What if it's an inspected vessel. We visit shipyards to see what's going on, but we don't visit all yards or back yards.

Ruhle: You might find that information from NMFS; they know where the boats are.

Weborg: Is this a localized regulation?

White: No, it is covered in 46 CFR, part of Commercial Fishing Vessel Safety Act.

Weborg: So you have notified every one of problems and now you are going to enforce it?

LCDR Williams: This has been in effect for a long time. This is just an issue for District 8. They discovered the problem, Congressmen Callahan complained about the enforcement. In this case, the Coast Guard developed a plan to ease the implementation due to Congressman Callahann's concern for his constituents. Other areas were complying with the stability regulations so there was no need for a plan elsewhere. It was not an issue in the Northeast or Pacific Northwest but in the Gulf of Mexico it was an issue.

LCDR Williams: This started in December of 1999, the whole situation is political.

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Weborg: It seems to me that you've set up legal issues. You have set a precedent in other areas, you have given two years to come in compliance, you have created a monster, now figure out how to fix it.

LCDR Williams: The Coast Guard does not believe this is an issue elsewhere due to surveys. We don't foresee this happening elsewhere.

Switlik: They have stability checks down there, are they in compliance?

LCDR Williams: They are in compliance.

White: I understand that, the insurance company will require compliance.

Ruhle: How many vessels on the east coast have been modified? Construction, modifications?

LCDR Williams: I have no idea off the top of my head, Randy Clark did the research.

Ruhle: I know there was a cutoff date for making boats bigger. The fishery can mandate that, too. Three boats in Cape May have been made larger. The 10% increases. Trade papers are the best places to find information.

Chairman: Good job, this is an issue that we will keep an eye on.

We need to review the task statements for the subcommittees. People should stay with their prior groups. Periodic examination, boundary line and security.

Discussion of Subcommittee Status

Frost: Boundary Line and Periodic Examination subcommittees will meet, and the security subcommittee needs to decide whether or not to continue or put it aside. Rusty Hummer compiled the data for the boundary line, every casualty, etc. Based on that, we can get a sense of what we are looking for. For the boundary line, I did some research in regards to the fishing vessel safety act and how the boundary line was derived.

The periodic exam (risk based decision making) group, we have all the statistical information, about three or four Coast Guard experts. Dave Dickey is here as well. At group is very important, it will look at different factors and weight them based on importance.

Chairman: My opinion is that since that is the heavy mantle that the Coast Guard is going to be wearing (Security), we can't ignore it. We should continue to think about that, if we thought our work was done by signing off on a pamphlet or bumper sticker, I would be embarrassed.

Noll: Training? We dropped it from the last agenda and from our minutes themselves. CAPT Sarubbi noted changes that responded to the training subcommittee that we require at least one person on board with

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

training or drills instruction on board while the vessel operated. He continued that the committee also recommended a mandatory refresher with subject training at least every five years be added as a requirement. The next step was to actually get the project and write the NPRM, he further stated that his goal was to publish a NPRM by this summer. Do we know anything about the NPRM?

CDR Servidio: All draftings, everything was reracked post-9/11. They will not be docketed in the near term due to priority (Security).

LCDR Williams: However, after the last meeting I sent out an e-mail of the existing regulation and asked how it should be rewritten. I'll try and resend it via e-mail or mail. We do have time to play with it. I think the only response was from Ms. Hughes.

Noll: I don't want to see it get shelved.

LCDR Williams: It is not forgotten. It's up to you if you want to give me comments.

Noll: I don't recall getting it, but that doesn't mean that I didn't get it.

Hughes: Only thing that I thought was inappropriate was the STCW (Standards of Training, Certification and Watch keeping for Seafarers) satisfying crew training. You don't address it. Some of the skills overlap that you covered in basic safety training, but it's not the same as a drill instructor approach.

LCDR Williams: That might be a good topic for discussion, the STCW manual gives all the different classes they have and what is covered in the classes. Could multiple qualifications meet the requirement? Change the regulations

Hughes: It's different from teaching basic skills on how to enter the water and tactical exercises.

LCDR Williams: They didn't want someone to do additional training (In Seattle, WA) due to limited funds if they have to adhere to STCW.

Chairman: Off the agenda, but one comment from that discussion, we have had an issue with providing training in the Gulf and Southern Atlantic. Yet we all know because of the Oil Patch they have been very aggressive meeting the STCW requirements, basic safety training for example. One of the things I believe I recall from the discussion is that there is some way to piggyback on the infrastructure that is already there, not necessarily to say that if you took only basic safety training that was good enough.

LCDR Williams: I don't think that is what we are suggesting. Someone else suggested that if you have three or four qualifications, how does that fit into the 10 areas of STCW?

Chairman: Drill Instructor and conducting the drills are different.

Lewis: There is a structure in place for the merchant marine, why not find a way to make them overlap.

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Garrott: My observation is that some aren't doing it.

Midgett: Drills don't have to be documented, you can just ask the Captain and he will say that they were performed.

Noll: The regulation is that you must conduct drills monthly, but the guy down the dock can be the one conducting the drills. We decided that we shouldn't do any major changing of the regulation, we should only add in the fact that they should be logged and there should be someone on the boat who is trained, and there should be a refresher course every five years. If you go in and restructure, we will be in the same place in 10 years.

Hughes: You must be properly trained in how to conduct drills, STCW is basic safety training but does not instruct on how to be a trainer or instructor.

Chairman: Along those lines, the Alaska Marine Highway has the same concerns. They put their officers in International Maritime Organization (IMO) "train the trainers" classes.

LCDR Williams: The regulations read that as the drill instructor, you have to be qualified and have a professional license. I'll rewrite and post it.

Noll: Licensing for 100 ton or 500 ton Masters, a lot of those slip through the cracks and don't have the drill conductor training.

Switlik: Maybe the three of us can get together with LCDR, Williams and talk about that today since we are not part of the Boundary Line or Periodic Exam subcommittees. The training should insure safety and survival.

LCDR Williams: I'm not prepared to talk about this.

Noll: Lets just identify where we are, so that we are all on the same page, then make suggestions on where we want to go.

LCDR Williams: We should correspond by e-mail after this.

Hughes: 46 CFR Part 28.270 (c), that is the training part.

Chairman: Need to push on. We don't communicate outside of the committee very well, compared to other advisory committees to the Coast Guard. This training issue can be communicated within a core subcommittee; we also need to have a point person to ensure the wheel keeps spinning. We won't have a lot of time to act on this now, though I suggest we make an honest effort to keep this going.

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

That said, we need to start reviewing subcommittee ideas. Captain Ruhle's boat departs 1630 hours. The boat's name is Darana R, dress casual, it will be warm.

Noll: Who was on security? We can wrap that up and meet with Ms. William's on the other issue.

Lewis: I thought you wanted the committee to continue?

Chairman: I just spouted out that, if you think it is a bad idea, that is fine. This is the perfect opportunity for Joe to bounce ideas off you industry people.

Subcommittee Meetings

Subcommittees met all afternoon

Adjourn at 1640 for fishing boat tour of the Elizabeth River.

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Second day of Commercial Fishing Industry Vessel Advisory Committee Meeting

Chairman Herbert calls the meeting back to order at 0815 hours EDT.

General Agenda Discussion

Chairman: Thanks to the Ruhle's for the boat trip yesterday. Thank you Don for helping to arrange that.

There will be an opportunity for the public to address us at 1415 hours.

We will break out in groups in the morning session and share the subcommittee information this afternoon.

CDR Servidio will call in this afternoon and give his comments; he would like to hear reports of progress.

Frost: Remember, there needs to be some form of briefing this afternoon, we also need a spokesperson for each subcommittee.

Homeland Security Subcommittee Discussion

Switlik: The homeland security subcommittee met yesterday and decided the stickers and flyers were adequate for our purposes. Though they could be bolder, as the small type was hard to read. As a continuing item, what is the distribution mechanism for this information? It is the committee's feeling as a whole that this issue is not relevant to saving lives due to fishing casualties. This is better left to professional law enforcement officers. Last night, 50 people on a fishing vessel cruising by the naval base without alcohol was suspicious to me. We've never had formal training, what we have done so far is fine. We should go out and talk about safety issues instead.

Hughes: The committee did a very nice job with this. We should promote it and get use and good distribution of it.

Switlik: I don't think we can take credit for this. It was done in-house by the Coast Guard. No one on the committee has the expertise for this. We submitted comments, but no real work was submitted.

Lewis: We felt that the efforts are better served pointing towards a commercial fishing vessel safety direction. We need to leave the door open for the Coast Guard security committees in the future.

Chairman: On the district level I heard that port-by-port level security committees will be formed. If they need input, the commercial fishing industry can contribute.

Midgett: The 1st District has coast watch.

Noll: There were 16,000 of those stickers printed that means only 900 per district. They don't go very far per district. Do we need to make suggestions to the districts on how to distribute them? Look over our

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

suggestions; we did suggest some language alterations. Can we implement some of the suggestions in the second printing?

Chairman: Kevin, make sure Jerry the web master put this stuff out, with the resources, on the web.

Switlik: There were some training issues still floating around, some proposed changes. We need to consider proposed regulation changes.

White: The 8th District ran out of stickers. We passed them out around docks.

Vanison: Any feedback from the fishermen?

White: Yes, particularly the 800 number.

Noll: Any direct information from them when you handed them out?

White: Yes, they want to be a part of it.

Vanison: The writing is too small, I can't read it. I wouldn't know what it says.

Noll: Maybe for the next printing we could bold it up. How many were received?

White: I think more than 900.

Noll: How does the committee feel?

Switlik: I'm not sure if the effort is needed in light of 9/11. I'm not sure what to look for, especially considering that their methodology is to blend in. This could actually lead to further incidents. They are trained to look as normal as anyone. I don't think they even know where Dutch Harbor is.

Chairman: Lets just leave it to Dave and Kevin to determine if a reprinting is necessary. Any other comments?

General Boundary Line Subcommittee Discussion

Ms. Ruhle: We worked hard on the boundary line issue in Washington. When we presented our findings, we got total rejection. What is it that the Coast Guard wants?

Chairman: I wasn't a part of that subcommittee. Was that discussed? Lets start the subcommittees and bring that up.

Noll: What prompted that subcommittee?

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Ruhle: It was requested by the Coast Guard.

Midgett: During the taskforce, I raised that issue, it is a varying line that does not run from headland to headland. There is about a \$4000 equipment difference for state numbered vessels and documented boats.

Weborg: A thread that ran was continuity. We need consistency, where is the boundary line and where does it go?

Ruhle: We presented it and it was rejected.

Midgett: Fifty percent of the people will be upset regardless of the way we present it. At this point, Alaska basically has no boundary line.

Ruhle: I understand that, I just need to know what the Coast Guard wants.

Midgett: We need to get into group and figure it out.

Weborg: Is this something the Coast Guard says, "come up with a plan and we'll enforce it?" Will the committee be made the scapegoat?

Ruhle: Is this an in house thing or is it Congressional?

Midgett: It goes through the clearinghouse for approval.

Hughes: There is some level of frustration based on the effectiveness of the committee. Yesterday we talked about what happened to the data analysis committee. What is it you want us to achieve and are you listening to us? The training committee has not completed its work. That was very clear yesterday. If the committee is to be taken seriously, we need to work harder and fully communicate. We need to actually advise so that the Coast Guard will put some value on our work.

Chairman: A segue to that, it is hard to get a huge amount of work done in such a small amount of time. CDR Servidio hopes that work can be done outside of these meetings.

Noll: Yesterday I felt very frustrated. We were being glossed over. We were given a little bit of information from the Coast Guard and it was not in a form that allowed us to get the most out of our day. If it is a Coast Guard directive, we need a more clearly defined suggestion of what they want us to do. Yesterday the Coast Guard was not prepared for this meeting, the cold-water immersion piece was very nice, but it wasn't on the agenda. Just like the boundary line, where did it come from and how did it get to us?

Switlik: Everyone needs to understand what the nature of a federal advisory committee is. When first sworn in, we were given a two-hour presentation on the rules of an advisory committee. An advisory committee is convened as a panel of experts, and they act as a sounding board for what the Coast Guard

MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE (FISHSAC) 22nd MEETING

**August 20-21, 2002
Hampton, Virginia**

would like to see. But there are a lot of competing interests. The Coast Guard needs to stand back and say what is the best way to do this. What are the budget constraints, what are the mission constraints? The biggest thing that has happened lately is homeland security. The Coast Guard needs to stand back and look at the situation. The boundary line issue may require change to the Fishing Vessel Safety Act. I don't think it will come down that quickly. Will they use this for these issues or leave it at that. Will the CDR move on to other billets? There needs to be continuity of this information. We are currently depending on me for the Excel spreadsheets. The training committee should be a standing committee. Once the boundary line issue is resolved, there may not be a need to have an ongoing committee. I've learned in dealing with many agencies that advisory committees are sometimes ignored, but for the most part agencies listen. Particularly I think it helps when the agency explains why their actions are different from what the committee would like to see.

Chairman: Thanks for the comments. Let's split into groups.

Subcommittee Breakout

Lunch Break taken at different times depending on subcommittee participation

Public Comments

Public Comments at 1432 hours EDT

Chairman: State your name for the record

Captain Ruhle: I'd like to bring attention to fish management from a different point of view. This committee is nonexistent from a public perception. The federal register covers the Coast Guard's rear but the public doesn't know very much about the situation. Commercial Fishers feel the committee has failed them. Hopefully, someone here today will change that. You can get back the public confidence. Having a civilian as the chairperson is very valuable and adds some year round stability. In the eight regional councils, you don't have to have any particular blanket coverage, just take each concern on its own. Send it to anyone that wishes to comment, get it back, look at the issues and act accordingly. It's your responsibility to look at safety in fisheries management just as much as EPIRB, PFD's. For some reason the Coast Guard has not been cooperative in this matter.

The committee needs to go about this with or without the Coast Guard backing. There is no reason not to, you don't need their endorsement. The concern should be safety only, not law enforcement. Send a letter to all regional councils and the NMFS (Dr. Bill Hogarth). Say, "we as the CFIVAC committee are representatives of safety for commercial fishing vessels therefore we want the ability and the right to be able to comment on any safety issues or pertaining FMPs (Fishery Management Plan) that are in development stages or being amended." You all have the ability and experience to do this. One or two instances are all it would take. Upgrade policies could be changed. Stick up for the industry two or three times and you will get recognition. The placards are great, though the committee has been somewhat stagnant in the last few years. This is now an opportunity to come forward. You have the authority; open the channels when an

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

issue comes forward. We want input. Someone should make a motion. This could come from anyone, change for the benefit of the committee. This is an opportunity to increase communication beyond two times a year.

This issue could increase the perception of the committee. There is no difference between the east and west coast. We need to step forward to act for the commercial fishing industry. That's whom you are representing and you need to earn their respect. You will get their support if you go forward with a few initiatives that show your concern beyond costing them money. If you can save them money, they will jump behind you.

Chairman: Anyone else care to get on the record?

Switlik: Local life raft attendees, how did you hear about the committee meeting?

Audience member: Through our suppliers, they relayed the information.

Ruhle: Move to send the committee information to each regional council.

Weborg: Second

Weborg: All States individually regulate fisheries, the state commissions should receive the information as well.

Hughes: It is logical to include the states.

Ruhle: AMSC, the Great Lakes Fishery Commission could advise the states as well.

Chairman: Further discussion on this matter, this letter could let them know of the intent of the committee and include them in the process. There should be a regional focus, such as snapper in the Gulf of Mexico, etc. That could increase the attention and exposure. A direct letter for the Gulf of Mexico that would focus on safety aspects, instead of an allocation or suggestions.

Lewis: Could the letters go to state fish and game departments? California is a group that should receive that information.

Chairman: Are the Gulf States individually regulated?

Torrance: Yes, but only to three miles offshore. There is virtually no fishing in state waters, all others in the exclusive economic zone. Is there any thought to committee members attending regional meetings?

Chairman: It has never come up for the Coast Guard to attend these meetings. They have always focused on enforcement. Safety should be an important factor and there should be more input.

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Torrance: There are representatives from all fisheries here, we could address the problems in those areas. Is there any support for testifying at the different meetings?

Beach: There is no money for it now, but we could look there in the future.

Lewis: We could go to Pacific Marine States Committee meetings. We would just need to notify them of our attendance.

Chairman: Are their minutes promptly posted online?

Ruhle: No, not until there is approval from the next meeting. We are currently behind. There are council updates released 2-3 days after the meetings. There are motions available quickly.

Frost: CDR Servidio will try to be here via phone. He would like to hear about two things. First, he is interested in the committees and councils. Second: If this letter goes out and gets hooked in, what is the capability of the committee to review plans? What if there is an issue that you want to respond to, what is the administrative process to do that?

Hertel: There are styles that have problems, "if you put into place derby fishing, these are the considerations that you should take...." We need to raise awareness, we could cover more issues with a broader sweep.

Ruhle: We should approach this issue by issue, not broadly.

Hertel: Everything would be followed up, but it needs to be manageable.

Ruhle: We need to make the public aware that you are looking out, then problems will be brought to you. Start it and build the track, be receptive to issues.

Weborg: These problems were brought up before. We have no power; they might not listen to us. Are we in a position to go to legislators to strong-arm management councils? They might not listen to us.

Chairman: Nothing would keep the members from speaking to Congress individually but be careful speaking for the committee. There is frustration, but changes can be made. Some progress has been made with the derby and snapper fisheries.

Ruhle: Correct in a sense. The group is making a decision, for the first time the Coast Guard can back it up. We have never had that balance. The Coast Guard is always negative, could be used to one benefit. We don't have that ability right now.

Switlik: I would like to see it and I recognize the concerns. But some people that aren't fishermen are in the council. A statement such as "we are concerned about future issues such as..."

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Chairman: The motion calls for notifying the councils that we are interested.

Weborg: Are state agencies to be notified?

Chairman: Yes. The motion calls for notifying management councils and state agencies that we are concerned about safety aspects or management plans. Call for the motion.

All committee members support the motion. The motion is carried.

Chairman: We need all the names and addresses of the state agencies and councils in the district.

Torrance: All the information could be obtained from Dr. Hogarth.

Chairman: I will talk to the CDR about the long-term goal with this.

I will bring up an issue, the ARCTIC ROSE investigation. Captain Ron Morris of the Anchorage, AK office is still a ways away from the final report.” The draft is in Washington being checked over, with an extensive review ahead of it. Estimated time of release is the New Year. Such a significant loss of life should give safety a kick-start. Apparently there is not strong conclusive evidence of the cause. Dave will take care of it; there will probably be a National Transportation Safety Board report. I had hoped to bring information from the Captain, but nothing was available.

Chairman: The follow up from last night, do the subcommittees have conclusions?

46 CFR Part 28 Training Subcommittee Presentation

Noll: Switlik is to present on the task text change.

Switlik: It was quasi-reviewed. LCDR, Williams provided the task text change to 28. We went over them and drew up these results, let us know if they are ok.

See Appendix III for comments on 46 CFR Part 28

Switlik: We had an orientation with lifejackets last night. A drill is actually a mock incident. What if you do the drill but you know the drill instructor will be off the vessel at some time during the next 30 days.

Noll: There is a replacement on board though and the Master is responsible for the orientation before it is untied. We are still in our safety parameters. You are required as Master of the vessel to give safety orientation to anyone that steps onboard the vessel.

Switlik: If there is no one trained, is there third party service dockside exams in some ports? Per requirements, that is not acceptable as they are not on the boat during operation. I feel that is a problem.

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Chairman: I believe that was a recommendation from the training subcommittee a few meetings ago and needs to be considered.

Switlik: So the training subcommittee recommendation was to have a trained person on the boat at all times?

Hughes: My understanding is that it was to be part of the crew.

Switlik: We did say the drill conductor was to be a crewmember not a third party. But we now think that a third party could be inserted if it was due to illness or other situations. This committee, in going over this information, there are some problem areas in 46 CFR 28.275 that we would like to address before the next meeting so we could submit preliminary comments to the Coast Guard and we would like time to meet about the issues. We also feel strongly about the cold water determination, it should be much higher, the Coast Guard's own experts would agree with that. We could discuss it in smaller groups, but we would like experts on hypothermia to make presentations which documents background information. We need to revisit the whole issue of 59 degrees. It is not defined by legislation or regulation. It does not appear anywhere in part 28. It is defined by Navigation and Vessel Inspection Circular (NVIC) 7-91 as 59 degrees. Those of us on the committee feel it is an item worthy of discussion. Five people in the Gulf of Mexico, where the water temperature was higher than 59 degrees, died even though they had PFDs. Immersion suits would have helped. That arbitrary 20 mile "no cold water" area in Maine as well.

Noll: So the task then, is for the Coast Guard to provide the members with the changes and suggestions for 28.270. The committee itself could take up 28.275, then we could place the item of cold-water recommendation on the agenda. The Coast Guard's task is to provide us with maps of the cold water lines so that we could have them in front of us. We can then invite leading experts and provide them with recommendations. Also, we can look at the statistics of man overboard deaths that are in the areas that aren't cold water, but could be considered as such. Lastly, to possibly invite suppliers and non-specific support of suppliers to show us the different types of PFDs that fishermen can work in.

Lewis: I thought we were going to ask for an agenda item on 46 CFR 28.265-275

Noll: We should have it placed on the agenda prior to the 270 because the membership should vote on it.

Lewis: Shouldn't it say 28.265 to 28.275?

Noll: I'm not sure 28.275 will be prepared to vote on next meeting.

Chairman: I wouldn't be opposed to having that e-mailed to everyone for general consideration.

Switlik: I will e-mail this back to Jennifer then she can make copy for distribution.

Hughes: 28.265 is not an issue for us.

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Noll: Its 28.270 and 28.275.

Lewis: I thought you were going to allow everyone to encompass it.

Chairman: I suggest that the whole item be sent out.

Weborg: Is there a length of boat that this is required on?

Hughes: Any documented vessels that operate outside of the boundary line or have 16 or more people. Since 1991.

Hertel: I would like to point out the survival in cold-water paper that they gave us from Canada. It has plenty of data, it looks like 70 degrees.

Noll: 70 degrees is sort of the magic number. In cold water when drowning, that is the point where you can be revived if you have been in for an hour. We have some preliminary information that we though was leading experts out there.

Hertel: You asked for a map with the 59-degree lines on it.

Noll: Yes, but some of the lines are politically driven, there are areas in southern California that don't require the equipment.

Hertel: Did you ask for the real 59-degree line?

Noll: That is the real one with a few exceptions.

Hertel: If you ask for the real 59 and real 70, we could compare them.

Noll: I think what we need to do, is identify how many deaths occurred in the political areas. If we can identify them, we can address the issue.

Hughes: We want to see what the impact would be.

Hertel: I think it would be interesting to see the real versus the political.

Noll: You want overlay.

Switlik: As an example, if you look at the charts according to NVIC 7-91 they show the line moving up the east coast, in the warmest months, the line is drawn across the outer shoals near Rhode Island. There is a little spike, a 20-mile strip that goes from Maine to the Canadian Border. It is not in the NOAA citation. The Coast Guard looks at the average.

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Midgett: That area is also inside the boundary line, similar to the Chesapeake Bay.

Switlik: You still need immersion suits.

Noll: We still need to task the Coast Guard to provide the temperature overlays.

Switlik: The Coast Guard probably has the essence so we don't need to hash it out now.

Chairman: I'd like to move on. Any questions for this subcommittee?

Periodic examination will have a dual presentation after a break.

BREAK

Committee reconvenes for Periodic Examination Subcommittee Presentation

Periodic Examination Subcommittee Presentation

See Appendix IV for Periodic Subcommittee Presentation

Hertel: We resculpted a little bit. We looked at what periodic exams do, which is primarily providing life saving equipment. That being said, Joel is going to discuss the methods.

McDuffie: We used risk industry tools. Take things and rank them in order. All are relative to other scores, nothing else. What we were looking for was 24 things, or possible factors on board. We organized them to fit or not fit in a certain category. There are eight total factors, we ranked them versus the other factors and itemized and scored each one. We then created vessels and fisheries and scored them. We were very pleased with the results.

Hertel: I will go through the matrix, please hold all comments until the end. A different category might hold one you might think important elsewhere. There are three factors, fishery, vessel and management. See the appendix for summary of ranking tool.

Lewis: Is gear type available or is that written in stone?

Hertel: This is a proposal to the committee so everything is available for review that said we thought the rankings exhibit using the knowledge the best.

Lewis: Local examiners will determine the gear type rating?

Hertel: No, the fishing will determine. The District Coordinator will have the best grasp of the different types of fisheries, inshore, offshore, etc. If well regulated, it could vary based on the flexibility of the district coordinator.

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Torrance: For construction of boats, where did you get the information you used to rank? The last five that I know that have gone down have been wood or FRP.

Hertel: We used anecdotal data or people on the committee, just as an example.

Torrance: Most snapper boats are FRP.

Chairman: That is a perfect example of local information input.

Hughes: What if days at sea are equal to derby?

Hertel: The local coordinator can determine what the situation really is. We were initially very skeptical of this tool, however, we have been very pleased with the results. Note that the numbers don't matter, they are arbitrary and are only relevant to themselves.

Hertel: Are there any questions or comments?

Hughes: Is this all based on data?

Hertel: It is half based on data and half on industry knowledge.

Hughes: For the gear type, is that at the district's discretion?

Lewis: Isn't there a short window where gear types were attributed to commercial fishing vessels?

Hertel: Have they only been collected recently?

Dickey: No, we work backwards in the investigation, a collision leads to looking at the gear types and rigs.

Lewis: That brings up another questions, grounding could come from a rudderpost letting go, that data is unspecific.

Dickey: The way I recorded it in 1992, the Coast Guard could track the chain of events in an accident. It is hard to represent that. We start with the initial event and work from there. It is hard to do the aggregate.

Lewis: Data starts in 1992?

Dickey: We have almost 11 years to work with.

Hertel: How many vessels have been lost?

Dickey: 907 vessel losses.

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

(Several vessels are added to the matrix)

Hertel: What does everyone think of the validity of this format?

Weborg: We need to look at the data. (add Wisconsin trap boat)

That result is interesting, (vessel rated low on the tool/safe) as of right now that is how the majority of the fishing in the 9th district is taking place. To my knowledge no one can get insurance. We also get painted with the same regulation that Dutch Harbor does. Something is wrong there.

Hertel: Do you think this tool is accurate?

Weborg: Look up the stats, you won't find any deaths in our fishery.

Hertel: The tool could rank the vessels, then you could show the Coast Guard, and from there go to the insurance company and show them how safe you are. What do you think?

Noll: Excellent job

Lewis: I think it is cool.

Chairman: Brian and Greg, good job.

Hertel: There are boats all over the map, if you had boats in the same fishery, there will be little variances that will affect the results.

Captain Ruhle: Can we expand on fishery type? Three categories are not enough. The distance offshore is different for longlines in Virginia and offshore vessels in the Bering Sea.

Hertel: But you said offshore in the winter, we caught both of those and ranked them individually.

McDuffie: There will be different rankings in different districts.

Ruhle: Our fishery takes place a quarter of the year, so it may differ for varying seasons.

Hertel: The District Coordinator will adjust per his boats, creating regionalization.

Ruhle: This is great for a first crack, just needs expansion.

Hertel: This is only our submission to the bigger committee, not a final product. Feel; free to modify it.

Ruhle: Trying to keep up a boat for 40 years is expensive.

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Torrance: I am very impressed; it shows the losses relative to the data. It looks to me like it works.

Hertel: If we could validate more, we could submit it to a management council. Could point out the danger of derby fisheries.

Noll: Where do we go from here? What are we expected to do at this point.

Hertel: Lets look at the numbers and see if they are right, tweak the names of categories and clarify the terms.

Noll: Would this be at the next meeting?

Hertel: Hopefully sooner.

Frost: Is there a task statement?

Hertel: I don't know, maybe the subcommittee has completed it.

Noll: How will it be presented to the district or management councils? On paper or with a computer programs?

Frost: You will need to write up an instruction set and explain what the scores mean. Develop a form with instructions that will be given out. They need to develop consistency.

Chairman: Go to the reason that the subcommittee was created. If the mandatory examination comes to pass, the resources to deal with the risks need to be prioritized. This is a tool for the districts to analyze and choose vessels without wasting resources.

Midgett: Only 800 vessels a year are checked. We need to concentrate on those with the highest risk.

Switlik: This is a good system and should be used. However, is there profiling? If a vessel is targeted for whatever reason, can they go back and say they were picked on?

Frost: The violation history is a reason for looking at vessels.

Chairman: There is always the appeals process.

Noll: Will this be applied dockside?

Chairman: Provided the requirement comes down, yes.

Beach: If we have extra billets, and which district should get the billets?

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Midgett: In September, there is a conference in Norfolk with examiners and coordinators where this could be presented.

McDuffie: We threw out a lot of items because the examiners would not have prior knowledge. Not that it couldn't be used for allocation, just keep that in mind.

Torrance: Remember that the fishery type is a reason to be boarded. Snapper fishery is the highest risk as seen by the Coast Guard.

Midgett: There are two kinds of boardings: 50 CFR and 46 CFR.

Frost: Thanks for Dickey, Meyer, Dolph and McDuffie's help. They started three months ago with this; they put a lot of work into it. We are very happy with the results.

Vanison: What about finalization? Continue to communicate over email or on a subcommittee basis? Then distribute for the final product.

Chairman: This will require revision by the committee.

Frost: CDR Servidio's comments: He would like communication between the personnel on the subcommittees. His expectations are for everyone to continue working when we leave. Use phone conference or e-mail if necessary.

Vanison: One thing I overheard, if the mandate doesn't go through, we need a plan B. We don't have a plan B.

Frost: We can't wait to communicate for three months for the next meeting. If the LCP does go through we need this tool to start work. We don't want a delay.

Chairman: We need a commitment from the Coast Guard on this. I'd like a copy before we leave.

McDuffie: We will clean it up and then send it out. It doesn't work right now, I will take care of it.

ROUND OF APPLAUSE

Chairman: We need to look at modifications of categories, details, types of fisheries, rating numbers, etc.

Lets move onto the boundary line.

Boundary Line Subcommittee Presentation

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Bragdon: The current data we used was nice with a computer program, looking at that, there was an equal amount of casualties inside as outside the boundary lines. We do have some questions though,

Switlik: Leaning towards moving it in or out?

Bragdon: We aren't leaning towards anywhere. We discussed moving it to 3 miles in cold water, 12 for warm water but we didn't get anywhere on that. We also discussed differences in state regulated and federal documented vessels.

Lewis: There were read-aheads that referred to state numbered and documented vessels. There is no data that suggested either had more losses. There was a study in Maine that the west coast had a significant percentage of losses. That is a very geographic specific situation and think it is representative of the situation nationwide.

Bragdon: We did discuss that that paper might not represent that whole country, it did come up.

Lewis: I wasn't sure, but I thought it was the northeast.

Bragdon: Rather than require all state registered vessels, which would be a daunting task, look at all vessels participating in a federal fishery to be required to carry all safety equipment.

Captain Ruhle: The boundary line may not be a determinant factor, the fishery itself may determine whether operations occur in a certain part of the ocean. You cannot fish in the EEZ from Florida to Maine on a managed fish without a federal fisheries permit.

There are 5,985 registered fisheries vessels in the US. That includes 50 categories. They could be moratorium, general access, etc. About 6,000 vessels have to ability to fish anywhere in the Exclusive Economic Zone (EEZ). High-risk fisheries due to their ability. Two 40-foot boats, 1 federal, 1 state. They are both fishing sea bass, the federal can go out in the EEZ, and the other can't. It's a cost of doing business. This could be an easy way to get the decal as a federal boat. You would have to submit documents or papers ensuring safety equipment. Pick a percentage of the high-risk boats. As a part of the criteria, NMFS could do it. Frost will do analysis and then see. How far will it go? I have no idea.

Jenkins: Can the Coast Guard tie in with federal NMFS program?

Captain Ruhle: Can you input like observers?

Torrance: In the Gulf, lots of state numbered boats are taking part in the federal king mackerel fishery. These state boats are side by side and don't have the federally required safety equipment.

Beach: We could tie that in long term as a compliance issue. To fish the federal waters, you have to have that equipment.

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Chairman: If you have to opportunity to talk to Dr. Hogarth, this is an issue we could bring up. You could get his idea on the politics of it.

Captain Ruhle: I'll talk to him about it.

Bragdon: Thanks to the Coast Guard for the information. It took a couple months.

Noll: That's a help, the conclusions may be that its all for naught. But yet, its not because we have come to conclusions. If we disband it, it has been worthwhile.

Hertel: I'd also like to echo that further, the data provided was very good.

Noll: The boundary line committee was very good, like going up against wall.

Beach: I'd like to clarify Ted Harrington's analysis, that was his point paper. His analysis of what they had seen. Document on what had been going on in New England. We wanted you to see the information of what was going on. We could have had a better cover letter to it, in order to explain what his purpose was. The fact that it was a one-man New England position. By leaving that out, we threw a couple of you to the dogs.

Chairman: Probably add that District 1 has had one of the best data systems on casualty. Henceforth, please provide a coversheet with that information.

Frost: I thought it was in the e-mail, although it was unofficial.

Chairman: Any more questions.

General Topic Discussion

Weborg: I don't know who they are, take it for what it is. Don't put it in there if it's not worth it. Why put something on cold water if we never talked about it. Another thing, as a fisherman, we are hit upon on every front. If it continues to go on, we will not exist. The fishery and the economy make it more expensive to carry on. All these new plans and programs we have to pay for are mounting. At some point in time, the fishery is going to fold. For some, its not too far away. We have to do something about it in my opinion.

Lewis: I wasn't going to mention this, but I was in Oregon recently talking about the ground fish closures, some of Jeff's comments were well taken. There isn't any fresh blood coming into the fishery behind us. 20 years ago there were, but not now. All the new additions to the fishery are adding up and hurting a very valuable service.

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Captain Ruhle: We are at a turning point; we are rebuilding stocks, rebuilding markets. We can fold, but we can build it back up. Sea Scallops have turned the corner, they could generate money to fix boats, as for new blood, there is some out there.

Noll: If the money is there, they will be there.

Captain Ruhle: What language will they be speaking?

Weborg: Foreign salmon at 40 cents a pound, who is going to come into that?

Noll: The east coast is in good shape and far in front of the west coast. The west coast is in total defeat in comparison.

Ruhle: The Mid-Atlantic fisheries council just sent me an e-mail and revealed 12 species are fully rebuilt and 2 are on their way.

Chairman: I would like to get the closing comments from CDR Servidio.

Closing Comments From CDR Servidio by Kevin Frost

Frost: I spoke to the CDR this afternoon, we were trying to set up phone con, but he had a meeting. He apologizes for missing most of the meeting, but he was impressed with the caliber of the committee and the passion to make things better.

Other items, he does believe in the role of this committee with the fishery management councils. He will be expecting to hear about what actions you wish to take. He will be sending an e-mail asking for input on direction. I already talked about electronic contact, he does not want the committees to stop in the interim. He will coordinate to keep this going. We will look at something in the next few weeks at our computer capabilities. Other conversations, he seemed to get a sense that the committee was doing lots of things, he would like more focus. Lastly, the next meeting is up for scheduling and he would like somewhere other than Washington. He would like for everyone to decide that prior to leaving.

Discussion of Potential Locations for Next CFIVAC Meeting

Chairman: There was some discussion about that on the boat, Texas has not been visited and would provide a good insight to the non-English speaking groups. Other suggestions?

Noll Hertel: I would like to get everyone in my area, but California isn't the best in February. Not Long Beach either.

Switlik: Monterey is the best due to active fishing fleet. The number of fisheries is limited, but Coast Guard influence is there. It is fairly centrally located.

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Hertel: I can't go to Texas in the summer.

Torrance: Getting to Galveston is difficult.

Frost: They fly into Galveston.

Switlik: I think whatever site we visit, we need good reason to visit that area. When they first announced Hampton, VA. I didn't recognize Captain Ruhle's boat was here, I think it was a good decision now. If we go to Galveston we need to gain some insight into the local fishery, otherwise we should stay in Washington. When we went to Portland, ME all we did was go to a fish auction, I would have rather stayed in DC. We should see what goes on into the safety community. Just to get on the road to get on the road doesn't do a lot.

Lewis: I'm not opposed to Galveston, but can you publicize it to the local fishing community. I don't know about budget constraints, but it seems worthwhile to me.

Frost: I don't know what we have, but I will look into it. Get me some trade magazines and the like. We wanted some local flavor for this meeting and I think Captain Ruhle provided that.

Chairman: Do we have a connection down there in Galveston?

Frost: Gilbert is from there, and Kim is from down there and is connected to the Vietnamese community.

Weborg: No offense, but I think it would be rather boring to listen to a life raft being serviced

Switlik: That is pretty boring, but a lot of people wonder what the hell is going on.

Noll: What about your area Tim?

Torrance: It's just marsh and bayou. No large shipyards. Bayou La Batre is hard to get to.

Switlik: In New Orleans, we rented 2 buses and went to Jimmy Martin's place. We could go to Houston and then run down to Galveston?

Chairman: Any other places?

Weborg: We haven't been to Wisconsin yet, but it's not a winter place. Two years or so it should be possible.

Lewis: I'm compelled to throw out Hawaii. I have a house there.

Ms. Ruhle: Seattle at the right time of year is the best, you will find every kind of boat possible.

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Chairman: So Galveston, Seattle, Monterey? Though we have already been to Seattle.

Ruhle: We haven't been on a 6-month schedule in awhile.

Beach: On the issue of traveling, with the committee scattered, we don't have to go to farthest corner. It's an effort to balance travel.

Torrance: It will also give the public a chance to view.

Frost: I have some ideas, we will talk them over, we are shooting for 6 months?

Chairman: The admiral assured us every six months assuming there was work and looking at coursework, it looks like it could work. There is no indication whatsoever of the new slate.

Discussion of Next Slate

Beach: There have been 2 calls in the last month from the Department of Transportation regarding the new slate. It's very encouraging. He is interested in selecting people from that slate. Our coordinator is interested. This slate and the next slate, we will see quicker turn around.

Switlik: When are applications due for the next slate?

Beach: I think there is a July 15th deadline for the 3rd slate.

Chairman: I think we would like to wind things up. I have made a to-do list; I need to sit down with Dave and Kevin. By the end of September there will be draft minutes passing through the office and then out to us. Three weeks later they should be back. They will then be revised.

Weborg: Will the presentations be added as addendum?

Frost: We will get a copy and add them.

Chairman:

On the last minutes, I need to get with (you) for a small amount of time to get some small edits. The casualty statistics need to be gotten out. Some of these things I will make sure you get. The brochure on EPIRB's will get out. Want to make sure the district level and Sue Jorgenson knows that John Womack has his program out there. The PDA project, Dr. Hogarth may benefit from that. The Arctic Rose update will probably not happen before the next meeting. The connectivity issue has been discussed. It would not hurt that everyone has a copy of the excel spreadsheet. Everyone that does have comments should be responding.

Next meeting agenda item requests, the cold-water issue in addition to trying to finalize the work for the subcommittees.

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Any final comments?

Final Comments

Noll: DO we want to clarify 28.265, 28.270 and 28.275 for submission on those notes, or do we want to do that on an open motion for committee end? So we can finalize that language to go in.

Chairman: Again, you folks talk it over; perhaps the e-mails didn't get to everyone. We need to take a look at them for a motion to be made.

Hughes: It should be said that it's very confusing. Clarification that we are lacking anywhere else. The committee will be very confused.

Switlik: It would have been nice to have information (casualty information) prior to our arrival; we didn't, probably because of transition. The enforcement issue in the Gulf and the way the Coast Guard is enforcing was very informative. The presentation was very worthwhile. Not "useless." Our committee was very productive because we were working from a straw man. The folks who did the periodic exams did a great job. It was easy to adjust after the Coast Guard input. I am pleased with the meetings. I am extraordinarily pleased with the hospitality of the Ruhle's.

Chairman: Other comments?

Torrance: Is the Coast Guard issuing a purchase order, we had to give them a credit card.

Frost: You should not have had to pay for it. I just passed out the travel claims.

Switlik: Incidentals.

Frost: You will take care of the incidentals but not the room.

Chairman: If you have questions, ask Mr. Frost.

Vanison: This meeting was a step ahead and above anything previous. More focused, the boat trip was very nice. I enjoyed the fellowship and repertoire. Very good overall.

Noll: We missed a golden opportunity two years ago at the trade show. If everyone is in a central location, we need to get together.

Switlik: Who will be at the Fish Expo Atlantic? Who will be at the Fish Expo Seattle?

Frost: We will try and work it out.

Chairman: Thanks scribe. Thanks Captain Ruhle.

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Motion to close?

Weborg: Second that motion.

Adjourned at 1813

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

Appendix I

SNAME PRESENTATION

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE
(FISHSAC) 22nd MEETING**

**August 20-21, 2002
Hampton, Virginia**

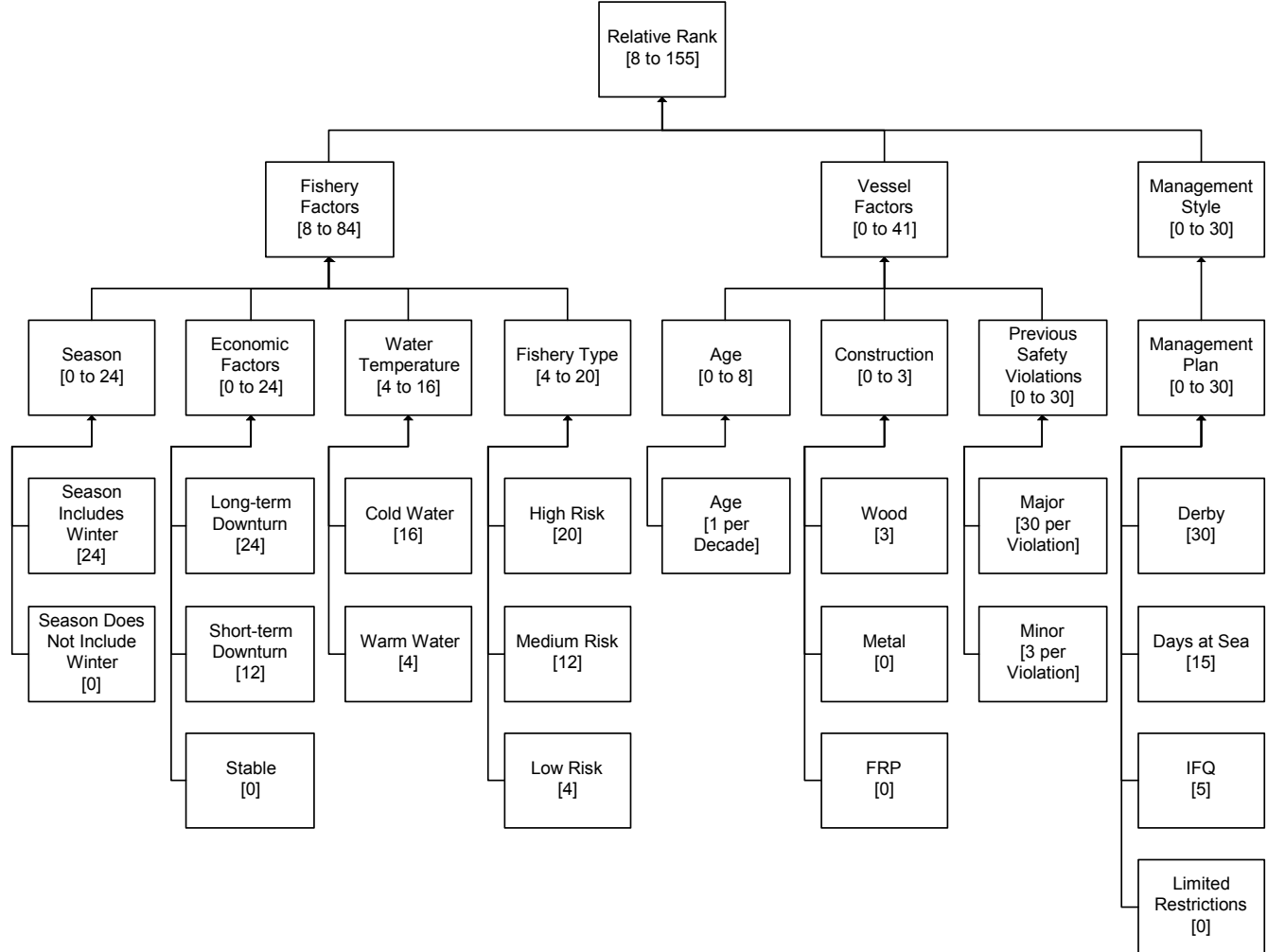
Appendix II

8TH DISTRICT STABILITY & WATERTIGHT INTEGRITY

MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY COMMITTEE (FISHSAC) 22nd MEETING

August 20-21, 2002
Hampton, Virginia

Appendix IV Summary of the Commercial Fishing Vessel Risk-Ranking



❖ FISHERY FACTORS

➤ Season [0 to 24]

- **Season Includes Winter [24]**

If this vessel works during the winter months, then this is the correct response, even if the primary season is not in winter

- **Season Does Not Include Winter [0]**

This should only be selected if the vessel does not work during the winter months

➤ Economic Factors [0 to 24]

- **Long-term Downturn [24]**

The market for this fishery has been unable to support regular expenses for several years, and there is no expectation for improvement in the immediate future

- **Short-term Downturn [12]**

The market for this fishery is currently unstable. Catch prices are too low to support normal expenses, such as maintenance. However, this is generally perceived to be a short-term situation

- **Stable [0]**

Currently, the market for this fishery is stable, with catch prices being high enough to cover normal expenses, including regular maintenance, and support a reasonable profit for most fishermen

➤ Water Temperature [4 to 16]

- **Cold Water [16]**

Cold water is generally considered to be less than or equal to 59.5 °F. However, the purpose of this factor is to assess whether or not hypothermia is a significant concern for a person exposed to the water for an extended period of time

- **Warm Water [4]**

Warm water is generally considered to be greater than 59.5 F. However, the purpose of this factor is to assess whether or not hypothermia is a significant concern for a person exposed to the water for an extended period of time

❖ FISHERY FACTORS (CONT'D)

➤ Fishery Type [4 to 20]

The fishery type is a general category designed for the examiner/district commander to rank the relative hazards associated with the fisheries in the district. The advisory committee developed the following list of general considerations:

- **High Risk [20]**

Boats in this category (1) have a significant amount of movable deck equipment, (2) are trawler-type, (3) operate a significant distance offshore, or (4) tend to operate with little crew rest for several days

- **Medium Risk [12]**

Boats that operate with a combination of factors described as 'High' and 'Low'

- **Low Risk [4]**

Boats in this category (1) operate close to shore, (2) have relatively clear decks, or (3) operate near other boats that could quickly help in an emergency

❖ VESSEL FACTORS

➤ Age [0 to 8]

All vessels are assessed one point per decade after the first 10 years

➤ Construction [0 to 3]

- **Wood [3]**
- **Metal [0]**
- **FRP [0]**

➤ Previous Safety Violations [unlimited]

If both major and minor violations have occurred, then only consider the major violations. Limit the time period to 3 years

- **Major [30 per Violation]**

Major violations are those for which the Coast Guard would stop the trip and force the Captain to return to port to fix the problem (e.g., no life jackets on board)

- **Minor [3 per Violation]**

❖ **MANAGEMENT FACTOR**

➤ **Management Plan [0 to 30]**

- **Derby [30]**

Any management style in which the fishermen are highly motivated to maximize their time at sea during the open season, even during inclement weather or high seas. Typically, the season is only open for a few days or weeks, and fishermen routinely work long hours on extended voyages

- **Days at Sea [15]**

A management style in which fishermen are limited to a specific number of days at sea and would be motivated to stay at sea in inclement weather rather than lose one of their allotted days

- **IFQ [5]**

A management style in which each fisherman is allocated a specific quota of catch during a defined period of time

- **Limited Restrictions [0]**

An open management style in which the fisherman has wide discretion on when he or she can work

Summary of Subcategories Organized by Maximum Possible Score

Main Category	Subcategory	Maximum Score
Management Factor	Management Plan	30
Vessel Factors	Previous Safety Violations*	30
Fishery Factors	Economic Factors	24
Fishery Factors	Season	24
Fishery Factors	Fishery Type	20
Fishery Factors	Water Temperature	16
Vessel Factors	Age	8
Vessel Factors	Construction	3

**The Previous Safety Violations subfactor has an unlimited maximum score. The score given here is the maximum per violation.*

Summary of Factors Organized by Weight

Main Category	Subcategory	Factor	Weight
Management Factor	Management Plan	Derby	30
Vessel Factors	Previous Safety Violations*	Major	30
Fishery Factors	Economic Factors	Long-term Downturn	24
Fishery Factors	Season	Season Includes Winter	24
Fishery Factors	Fishery Type	High Risk	20
Fishery Factors	Water Temperature	Cold Water	16
Management Factor	Management Plan	Days at Sea	15
Fishery Factors	Economic Factors	Short-term Downturn	12
Fishery Factors	Fishery Type	Medium Risk	12
Management Factor	Management Plan	IFQ	5
Fishery Factors	Fishery Type	Low Risk	4
Fishery Factors	Water Temperature	Warm Water	4
Vessel Factors	Construction	Wood	3
Vessel Factors	Previous Safety Violations*	Minor	3
Vessel Factors	Age	Age	1
Fishery Factors	Economic Factors	Stable	0
Fishery Factors	Season	Season Does Not Include Winter	0
Management Factor	Management Plan	Limited Restrictions	0
Vessel Factors	Construction	Metal	0
Vessel Factors	Construction	FRP	0

**The Previous Safety Violations factors have an unlimited maximum score. The score given here is the maximum per violation.*